

In the Matter Of:

UNITED STATES vs STATE OF GEORGIA

NO. 1:16-cv-03088-ELR

JASON BYARS

December 02, 2022



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UNITED STATES vs STATE OF GEORGIA

December 02, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
STATE OF GEORGIA,
Defendants.
- - - - -

) CIVIL ACTION
) NO. 1:16-cv-03088-ELR
)
)
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)
)

VIDEOTAPE DEPOSITION OF
JASON BYARS

Friday, December 2, 2022, 9:01 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC
500 14th Street, N.W.
Atlanta, Georgia 30318

WANDA L. ROBINSON, CRR, CCR, No. B-1973
Certified Shorthand Reporter/Notary Public

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1 ALSO PRESENT VIA ZOOM:

2 U.S. Attorney's Office:

3 FRANCES COHEN, ESQUIRE

4 VICTORIA LILL, ESQUIRE

5 ANDREA HAMILTON, ESQUIRE

6 LAURA CASSIDY TAYLOE, ESQUIRE

7
8
9
10 STACEY SUBER-DRAKE, ESQUIRE
11 Georgia Department of Education
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13
14
15
16

17 ALSO PRESENT:

18 MAYA CARTER, Videographer
19
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21
22
23
24
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By Ms. Chevrier

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1 THE VIDEOGRAPHER: Today's date is
2 December 2nd, 2022, and the time is 9:01 a.m.

3 This will be the videotape deposition of
4 Jason Byars, in the matter of the United States
5 of America versus the State of Georgia, taken
6 at 500 14th Street, Northwest, in Atlanta,
7 Georgia.

8 Would counsel please identify themselves
9 for the record.

10 MS. CHEVRIER: Claire Chevrier for the
11 United States.

12 MS. GARDNER: Kelly Gardner for the United
13 States.

14 MS. JOHNSON: Melanie Johnson for the
15 State of Georgia.

16 - - - - -

17 JASON BYARS,
18 being duly sworn, was examined and testified as
19 follows:

20 - - - - -

21 EXAMINATION

22 BY MS. CHEVRIER:

23 Q Good morning, Mr. Byars.

24 A Good morning.

25 Q Thank you for coming in today.

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1 MS. CHEVRIER: This is the deposition of
2 Jason Byars in the lawsuit titled United States
3 versus Georgia, Case No. 1:16-CV-03088, in the
4 U.S. District Court for the Northern District
5 of Georgia.

6 BY MS. CHEVRIER:

7 Q Mr. Byars, for the record, I would like to
8 reintroduce myself. My name is Claire Chevrier and
9 I am a trial attorney in the Educational Opportunity
10 section of the Civil Rights Division at the United
11 States Department of Justice.

12 I represent the United States in this
13 lawsuit and will be taking your deposition today.

14 Will you please state and spell your full
15 name for the record.

16 A Sure. Jason William Byars. J-A-S-O-N,
17 W-I-L-L-I-A-M, B-Y-A-R-S.

18 Q Thank you.

19 And I'm sure your attorney has explained
20 much of this to you but we are basically going to
21 have a conversation today, a long conversation. I
22 am going to ask you some questions and your job is
23 to answer the questions honestly and completely.
24 Okay?

25 A Okay.

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1 Q And you were just sworn to tell the truth
2 by the court reporter, and that oath that you just
3 took is the same oath that you would take if you
4 were testifying in a court of law, and it puts you
5 under the same obligation to tell the truth that you
6 would be under any court.

7 Do you understand?

8 A I do.

9 Q And my questions and your answers will be
10 recorded by the court reporter today, and so please
11 understand that you will need to speak clearly and
12 answer all questions orally so the court reporter
13 can capture your answers accurately.

14 For example, she won't be able to record a
15 head nod or shake. Do you understand?

16 A I do.

17 Q And the other thing that you and I will
18 need to work to avoid is talking over one another.
19 I will do my best not to interrupt you when you're
20 answering and I will ask you do your best to let me
21 finish asking questions even if you know the answers
22 to them.

23 A Perfect. Thank you.

24 Q And if at any point you do not understand
25 a question, you should feel free to stop me and say

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1 so, and then I will clarify my question for you.

2 Okay?

3 A Thank you. Yes.

4 Q And know that your attorney may
5 occasionally object to my questions. This is to put
6 their objections on the record. It does not mean
7 you shouldn't answer the question. Unless your
8 counsel tells you not to answer, you should go ahead
9 and answer.

10 And, Mr. Byars, if you would like to take
11 a break for any reason, that's fine. I just ask
12 that if you're in the middle of a question or if I
13 just asked a question that we answer what we're in
14 the middle of before taking a break.

15 Do you understand?

16 A Thank you. Yes.

17 Q And sometimes it will happen you will give
18 an answer as completely as you can and then later
19 on, maybe five minutes or maybe an hour later you'll
20 remember additional information in response to that
21 question. If that happens, please feel free to add
22 anything to something that you've answered earlier.

23 A I understand.

24 Q How are you feeling today?

25 A A little nervous.

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1 Q Is there any reason why you would not be
2 able to answer questions fully and truthfully today?

3 A No.

4 Q And, for example, you're not on any
5 medication that would inhibit your ability to answer
6 my questions?

7 A No.

8 Q And do you have any questions for me
9 before we proceed?

10 A I do not.

11 Q Thank you.

12 MS. CHEVRIER: I'd like the court reporter
13 to mark this document as Plaintiff's Exhibit
14 671.

15 (WHEREUPON, Plaintiff's Exhibit-671 was
16 marked for identification.)

17 BY MS. CHEVRIER:

18 Q Mr. Byars, this is the certificate of
19 service filed with the court that states the United
20 States served a subpoena on September 17th, 2022 for
21 your testimony -- I believe we actually emailed
22 it -- for your deposition in connection with this
23 lawsuit against the State of Georgia relating to
24 Georgia Network for Educational and Therapeutic
25 Supports.

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1 Have you seen the attached subpoena to
2 testify before?

3 A I have.

4 Q And when did you see it?

5 A Yesterday.

6 Q And who showed it to you?

7 A Ms. Johnson emailed it to me.

8 Q What's your understanding of what this
9 lawsuit is about?

10 A I really don't have a full understanding
11 of what this lawsuit is about.

12 Q Okay. Do you have -- what's your not full
13 understanding?

14 A I really am not a hundred percent sure why
15 the State of Georgia is being sued. I mean I just
16 -- I don't know the reasons why. If I -- it would
17 be pure speculation if I answer.

18 Q And what is your understanding of the
19 GNETS program?

20 A I have a pretty good understanding of the
21 GNETS program having worked with GNETS dating back
22 to when I was an assistant principal in Fayette
23 County and principal in Fayette County.

24 We worked with the GNETS programs pretty
25 regularly, all the way up to my current position,

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1 including when I was at the State department.

2 So I understand the services they provide.
3 I understand, you know -- I visited a few of them.
4 I referred students to the GNETS programs. I mean
5 I've evaluated and recognize them for their
6 implementation of PBIS while I was at the State
7 department.

8 Q Excellent. So we will definitely dive
9 deeper into a lot of what you just said.

10 Preliminarily, what the purpose does GNETS
11 serve, in your opinion?

12 A In my opinion, we have students with some
13 pretty significant behavior issues that aren't able
14 to be met in a regular education classroom, or even
15 sometimes in our self-contained classrooms, and so
16 they need more of a therapeutic setting to really
17 get that intensive support for their behaviors. And
18 so our GNETS programs are able to provide what in
19 the public school I wasn't able to provide.

20 Q And what are the goals of the GNETS
21 program?

22 A I'm not familiar with what their goals
23 are.

24 Q You already touched on this a little bit.
25 What's the target population for the GNETS program?

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1 MS. JOHNSON: Object to form.

2 You can answer.

3 THE WITNESS: Thank you.

4 A It's really our students with our most
5 significant behavior issues and diagnoses, to get
6 them the therapeutic support that they need in order
7 to be successful.

8 Q When did you first become aware of GNETS?

9 A I don't have a date. I'll give you a
10 general time range.

11 Q Sure.

12 A It was probably the mid-'90s when I was a
13 teacher in Fayette County that I became aware of our
14 GNETS program that served Fayette County students.

15 Q Have you read any court filings in
16 connection with this lawsuit?

17 A I have not.

18 Q And we'll talk more about your employment
19 history in a bit, but do you currently work for the
20 Georgia Department of Education?

21 A I do not.

22 Q And are you represented by counsel here
23 today?

24 A I am.

25 Q Who is representing you?

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1 A Ms. Melanie Johnson.

2 Q And is it your understanding that the
3 Robbins Firm is representing the State of Georgia in
4 this matter?

5 A That's my understanding.

6 Q And how did you learn that were you going
7 to be represented by the Robbins Firm for the
8 purpose of your deposition today?

9 A Ms. John -- I'm sorry.

10 Ms. Johnson emailed me to let me know that
11 -- to save this date.

12 Q And did you talk to anyone to prepare for
13 this deposition today?

14 A I did.

15 Q And who is that person?

16 A I talked to Ms. Johnson on the phone, and
17 I talked to our legal counsel, Mr. Dan Murphy. I
18 mean he represents Northeast Georgia RESA.

19 Q And what did you do to prepare for this
20 deposition today?

21 A I spoke to those two people.

22 Q Did you meet with them in person?

23 A No, ma'am.

24 Q And was there anyone else present other
25 than of the two attorneys who you mentioned --

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1 A No, ma'am.

2 Q -- when you spoke on the phone?

3 And did you read any deposition
4 transcripts in this litigation prior to this
5 deposition today?

6 A No, ma'am.

7 Q Did you talk with anyone else about this
8 deposition?

9 A No, ma'am.

10 Q Did you talk to anyone at GaDOE?

11 A At -- no.

12 Q Have you ever been deposed before, Mr.
13 Byars?

14 A In my divorce hearing.

15 Q And have you ever been a plaintiff in a
16 lawsuit?

17 A No, I have not.

18 Q And have you ever been a defendant in a
19 lawsuit?

20 A No, I have not. Again, except for my
21 divorce.

22 Q There are a bunch of acronyms and
23 definitions that we're going to talk about today,
24 and I'd like to go over what they mean so that we
25 have the same understanding, if that's okay with

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1 you.

2 A That's perfect. In education we're really
3 good at those.

4 Q When I refer to "GaDOE," do you understand
5 that I mean the Georgia Department of Education?

6 A I do.

7 Q When I refer to "GNETS" or "the GNETS
8 program," do you understand I'm referring to the
9 Georgia Network for Educational and Therapeutic
10 Support?

11 A I do.

12 Q And when I refer to the regional -- a
13 "regional GNETS program," do you understand I'm
14 referring to one of the 24 regional GNETS programs
15 across the State of Georgia?

16 A I do.

17 Q When I refer to "GNETS center" or
18 "centers," I'm referring to a standalone GNETS
19 location.

20 A Okay.

21 Q When I refer to "GNETS school-based
22 location," I'm referring to a GNETS location that is
23 based in a general education setting?

24 A Okay.

25 Q When I say "general education setting,"

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1 I'm referring to a public school in Georgia where
2 students with emotional and behavioral disorders and
3 other behavior and health conditions receive
4 instruction and services alongside students who do
5 not have disabilities?

6 And I'm going to start speaking more
7 slowly.

8 When I say "EBD," I'm referencing
9 emotional and behavioral disorders?

10 A I understand.

11 Q When I say "LEA," I'm referencing local
12 education agencies, or school districts.

13 A I understand.

14 Q When I say "SEA," I'm referencing State
15 Education Agency?

16 A I understand.

17 Q When I say "RESA," I'm referencing A
18 Regional Education Service Agency?

19 A I understand.

20 Q When I say "IEP," I'm referencing an
21 Individual Education Program?

22 A Understand.

23 Q When I say "B-I-P" or "BIP," I'm
24 referencing a Behavioral Intervention Plan?

25 A I understand.

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1 Q When I say "FBA," I'm referencing a
2 Functional Behavior Assessment?

3 A I understand.

4 Q When I see "PBIS," I'm referencing
5 Positive Behavior Interventions and Support?

6 A I understand.

7 Q And when I say "MTSS," I'm referencing
8 Multitiered System of Support.

9 A I understand.

10 Q So let's turn to you.

11 A Okay.

12 Q What college did you graduate from?

13 A For my bachelor's degree?

14 Q Yes.

15 A Berry College in Rome, Georgia.

16 Q What year was that?

17 A 1992.

18 Q And in what field?

19 A Broad field of social science and
20 education, secondary education.

21 Q Excellent. Do you possess any other
22 degrees?

23 A I do.

24 Q From where?

25 A I have a master's degree from the

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1 University of Georgia, and I have a specialist
2 degree from Liberty University in Lynchburg,
3 Virginia, and I have completed all of my course work
4 for my doctorate degree from Nova Southeastern
5 University in Fort Lauderdale, Florida. I just
6 haven't completed the dissertation.

7 Q Congratulations.

8 A Thanks.

9 Q Do you hold any professional
10 certifications or licenses?

11 A I do. I'm certified by the State of
12 Georgia in middle grades education and educational
13 leadership.

14 Q Excellent. And could you tell me the
15 dates of when you graduated with your master's?

16 A My master's was in 1998. I think August
17 time frame.

18 Q And what about the certification?

19 A Which certification? With the PS,
20 Professional Standards?

21 Q Yes.

22 A So that was first in 1992.

23 Q Okay.

24 A And then that was for middle grades, and
25 then starting in 1998 for my ed leadership, and I've

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1 held those since both of those dates.

2 Q Are you currently employed, Mr. Byars?

3 A I am.

4 Q By who?

5 A I'm currently employed by Northeast
6 Georgia RESA. I work 49 percent for them, and I
7 also do contract work for Hall County schools.

8 Q Okay. What is your job title?

9 A For Northeast Georgia RESA, my job title
10 is the Director of School Climate.

11 And for Hall County schools, my job title
12 is School Effectiveness and Climate Officer.

13 Q And is this considered one role or two
14 different jobs?

15 A Two different jobs. It's two -- one's a
16 49 percent job, since I'm retired from the State,
17 and then the other is straight contract work.

18 Q When did you assume the position with the
19 Northeast Georgia RESA?

20 A August 1st, 2nd. Around that time frame.

21 Q And what about Hall County?

22 A That was beginning of September.

23 Q And what are your job responsibilities and
24 objectives with your role at Northeast Georgia RESA?

25 A So my job responsibilities is I support

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1 the 15 school districts that are in Northeast
2 Georgia RESA with their implementation of PBIS, if
3 they're an implementing district. If they're not an
4 implementing district, it's whatever I can do to
5 support the climate, behavior, and really provide
6 training and professional learning.

7 The other side of that job is our
8 wraparound coordinators that are in the RESA. I
9 support them as well. So that students have needs
10 that are not academic. Any of those nonacademic
11 needs, we try to support those. And so I have
12 contacts and liaisons in each one of the districts,
13 and I work to support them to make sure that
14 behaviorally and then with all the wraparound
15 supports that students have what they need.

16 Q And do you interact with GaDOE in your
17 role at the Northeast Georgia RESA?

18 A I do.

19 Q With whom?

20 A With Jeannie Morris. She took my place as
21 the school climate program manager, and all of her
22 team. Probably most directly with Ben Moore. Ben
23 is the technical assistant specialist at the DOE
24 that supports Northeast Georgia RESA and Pioneer
25 RESA. Hall County is in RESA, and I support

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1 Northeast Georgia, so Ben is my really direct
2 contact.

3 But those are all former colleagues, so I
4 stay in contact with all of them pretty close.

5 Q Sounds good.

6 A Justin Hill, he's the associate
7 superintendent. Justin was the program manager
8 prior to me being at the DOE, and we have a great
9 relationship. So I stay in contact with him as
10 well.

11 Q And how frequently would you say that you
12 interact with GaDOE in your current role at
13 Northeast Georgia RESA?

14 A I would probably say that I'm in contact
15 with them weekly. It's probably -- very few weeks
16 that go by that I'm not in some type of
17 communication, either a phone call, a text, an
18 email, a meeting, a training. So it's pretty
19 regular.

20 Q And who do you report to in your role at
21 Northeast Georgia RESA?

22 A Lori Ellison, the executive director.

23 Q The executive director of what?

24 A Northeast Georgia RESA.

25 Q Thank you. And does anyone report to you?

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1 A They do. Rob Johnson is one of our school
2 climate specialists, and Todd Magee is our
3 wraparound coordinator specialist.

4 Q Excellent. And so turning to your
5 position with Hall County, what are your
6 responsibilities and objectives with that role?

7 A Very similar. I really focus on the
8 middle and high schools, and then I have a colleague
9 who focuses on the elementary schools.

10 We're rolling out PBIS in Hall County, so
11 not all schools are implementing. So it's really
12 about the rollout.

13 A lot of work that we've done in the past
14 with integrating mental health supports, Hall County
15 has a real push for that. So I've got some
16 experience there, and so helping them to that.

17 But it's really focusing on middle and
18 high schools, improving their effectiveness and
19 their climate using PBIS framework. And if they are
20 not using the PBIS framework, again, like with RESA,
21 what can I do to support the learning environment
22 for the principals and teachers.

23 Q Do you interact with GaDOE in your role at
24 Hall County?

25 A I do. Very similar. You know, my contact

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1 most directly is with Ben Moore because he's the
2 person at the DOE that supports Pioneer RESA, which
3 Hall County is involved with.

4 So when we have trainings and Ben comes
5 out and does trainings with us, you know, I interact
6 with him regularly. So kind of same time frame as
7 with RESA as well.

8 Q And you mentioned Jeannie Morris and
9 Justin Hill. Do you interact with them in your role
10 with Hall County as well?

11 A I do. Not as much as probably with the
12 RESA, just because I'm just covering that one
13 county. But if there's a specific question, yeah.
14 But, you know, it's kind of hard to draw that line
15 because I think RESA in Hall County really is I'm
16 just supporting these 16 counties. So if I have a
17 question, that's really going to apply to everything
18 that I'm doing and everything that I'm serving,
19 because it's not like two separate jobs. The work
20 is so closely related. It's applicable across
21 really both jobs, which is a really great place to
22 be.

23 Q I understand. And who do you report to
24 with your position at Hall County?

25 A Suzanne Jarrard. She's the executive

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1 director of secondary schools.

2 Q And does anybody report to you?

3 A No, which is really nice.

4 Q What was your place of employment
5 immediately before these current positions?

6 A Before RESA and Hall County?

7 Q Correct.

8 A Georgia Department of Education. But I
9 was retired for two months.

10 Q Okay. What was your title at GaDOE?

11 A The program manager for -- and it changed
12 several times. I was always a program manager.
13 That was the title. The office that I was in
14 changed a couple of times.

15 Q How long did you hold that role?

16 A I went to the Department of Education
17 January the 2nd of 2019, and I left May 30th of 2022
18 of this year.

19 Q And what led you to apply for this role?

20 A So Justin Hill, who was the program
21 manager before me, he got a promotion to a
22 director's job. So it opened it up.

23 At the time, I was serving in Griffin
24 Spaulding as the PBIS district coordinator and I was
25 also the program manager for Project AWARE, which is

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1 a mental health grant through the Substance Abuse of
2 the Mental Health Services Administration.

3 So through that we really learned how to
4 integrate behavior and mental health services
5 together to really support students, and I worked
6 very closely with the DOE at that time because the
7 DOE was the SEA who received the grant. Griffin was
8 one of the LEAs that was partnered with the DOE. So
9 I got to work really closely with them.

10 And I really thought the work that we're
11 doing in the districts really needs to be what we
12 need to be doing across the State. So it just -- it
13 was the right opportunity to really try and impact
14 how we're serving kids across the State.

15 And I had several people at the DOE who
16 really encouraged me. They kind of liked the work
17 we were doing in the district and they said this is
18 really what we need to be doing across the State.
19 So I had a couple of people who really encouraged me
20 to go. And at that point in my career it was
21 probably the last time that that position was going
22 to open up, and so I decided to apply.

23 Q That's great. When you say DOE, are you
24 referring to the Georgia Department of Education?

25 A I am.

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1 Q Thank you.

2 And who did you report to in that role?

3 A All right. So when I first arrived, I
4 reported to Zelphine Dixon, and then our office
5 moved under Garry McGiboney, and then our office
6 moved under Justin Hill.

7 So while I was there, I reported to three
8 different people.

9 Q And what was the office under when you
10 reported to Zelphine --

11 A Special Education.

12 Q Right. That's an example of you know the
13 answer, but we'll try for the court reporter not to
14 talk over one another.

15 A Sorry.

16 Q And when you reported to Garry McGiboney,
17 what was the officer under?

18 A It was called the office of school safety
19 and climate.

20 Q And when you reported to Justin Hill, what
21 was the office under?

22 A Curriculum and Instruction.

23 Q Thank you.

24 Who evaluated you in this role?

25 A Each of the three people who we just named

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1 evaluated me. So Zelfhine, and then Garry, and then
2 Justin.

3 Q And who reported to you in this role?

4 A Okay. Be patient. All right.

5 So on our team, and I had people come and
6 go, and so I want to be as thorough as I can to
7 answer that.

8 Anthony Feldmann, Tammi Clarke, Ben Moore,
9 Nicholas Handville, Rebecca Blanton, Timi Hunt,
10 Brandy Woolridge, Susan Barrow, Mimi Gudenrath,
11 G-U-D-E-N-R-A-T-H. Sandy DeMuth, Bob Burgess, Amber
12 Phillips.

13 Did I say Amber Phillips? Amber Phillips.

14 Sorry. I'm going from desk to desk. I've
15 got to do it visually.

16 Sharlene Patterson.

17 I think that covers everybody.

18 Q Thank you. And you can add more later if
19 you think of them.

20 A If I think of someone, I'll add.

21 I did have the opportunity to hire a
22 couple of people that I did not -- that their
23 onboarding date was after I retired. So I hired
24 them but then I never really supervised them.

25 Q And you don't have to specify for each

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1 person, but generally what roles did the individuals
2 who reported to you hold?

3 A Generally, they were all called technical
4 assistant specialists. TA specialists.

5 Q And then did they have more specific areas
6 that they covered?

7 A So Georgia's RESA network, each of the TA
8 specialists covered one, two or three RESAs.

9 We had a couple of people that were a
10 little more specific in their role. Brandon
11 Woolridge was our early learning person. So she
12 really covered that.

13 Rebecca Blanton handled the Project AWARE
14 grant.

15 I just thought of someone else. Shannon
16 Weist. She was on our team.

17 Nicholas Handville, he handled the
18 technology side of our work.

19 Everybody else supported RESAs, and
20 everybody had like a little special project. Like
21 Toni was my team lead for Tier II training, so --
22 but that was all encompassed in their work as a TA
23 specialist.

24 Q Did Sandy DeMuth have a specific area as a
25 TA specialist?

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1 A She did. Sandy -- well, one, she really
2 helped with our GNETS. When we do our evaluation at
3 the end of the year, she's the one that kind of
4 organized that for us.

5 She also went -- she was also one of our
6 SWIS facilitators and trainers. She also worked
7 with our school climate transformation grant to
8 provide supports to schools and districts.

9 Q What were your duties and objectives as
10 PBIS manager?

11 A So I'm going to give you what I used to
12 tell people is my elevator speech, if you ask me
13 that question.

14 We know that improving school climate is
15 complicated and we know we want to do it right and
16 we're here to help. So the objective is to really
17 improve school climate for students and adults.

18 Q And did your duties and objectives change
19 over time?

20 A I think they changed a little bit. I
21 think each office we moved to had a different focus.
22 So when we first were under Special Education, it
23 was about really PBIS and the Project AWARE grant.

24 When we moved under Garry, we did take
25 more an approach around school safety.

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1 And then when we moved under Justin, it
2 was really about the curriculum and getting behavior
3 lesson plans written and doing videos to model what
4 we were trying to teach for teachers.

5 So I think every office that we were
6 under, we had a little different focus that really
7 made us better each time.

8 Q And who set these duties and objectives
9 for you?

10 A Each of those three leaders.

11 Q And that's Zelfphine, Garry, and Justin?

12 A Correct.

13 Q Did you interact with regional GNETS
14 programs while you were in this role?

15 A A little but not a ton.

16 Q In what ways did you interact with them?

17 A We would hold some of our state meetings
18 at the GNETS in Macon. I'm drawing a blank on the
19 name of it right now.

20 But we would -- centrally located in the
21 state, super welcoming place. So we would have
22 our -- some of our state meetings there.

23 That would be -- we did that a couple of
24 times.

25 Q Was that the Elam Alexander --

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1 A That's the one.

2 Q -- Academy GNETS program?

3 A It is. It is.

4 So for me personally, that was my contact.

5 Each of the TA specialists, they had a little bit
6 more direct contact because that's who supported --
7 that's who -- they supported that school.

8 I guess the other indirect contact with
9 them would be at the end of the year when we were
10 doing our recognition of all schools, including our
11 GNETS sites, and we would take a look at their data
12 and those kind of things, and we would assign
13 recognition, but not really. I mean that was us at
14 the Georgia Department of Education sitting around a
15 table like this and looking over data and artifacts.

16 Q And you said that Justin -- sorry. You
17 said Jeannie Morris now holds the position --

18 A She does.

19 Q -- is that correct?

20 A She does. And actually now that you say
21 that, Jeannie Morris was on my team. I don't know I
22 mentioned her name earlier.

23 Q Thank you.

24 Do you know what her qualifications are
25 for this role?

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1 A So one --

2 MS. JOHNSON: Object to form.

3 You can answer.

4 THE WITNESS: Thank you.

5 A Well, Jeannie was a TA specialist for us.
6 She served three RESAs down in South Georgia. She
7 served Heart of Georgia, First District, and maybe
8 Coastal Plain.

9 And so she had experience, you know,
10 working with PBIS. She had experience leading
11 schools.

12 Jeannie also, I believe, worked closely
13 with MTSS, and she also worked closely with special
14 education.

15 So, you know, to my recollection, those
16 are I think some of the things that help make her
17 qualified. I wasn't involved in that interview
18 process to select her, so I'm not really sure what
19 they discussed.

20 Q To your knowledge, has the position been
21 changed at all since you left?

22 A Not that -- not that anyone -- not that
23 I'm aware of.

24 I do think, again, where they're located
25 has changed again. And so I'm sure there's some

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1 nuances in her position with that change. But I
2 know that they're with the Office of Whole Child now
3 and not Curriculum and Instruction.

4 Justin is also continuing to lead that, so
5 he left Curriculum Instruction. So there's probably
6 going to be some continuity with him still being
7 there as associate superintendent, but as far as
8 like her particular role, I'm not really aware of
9 anything.

10 Q And why did you leave the position?

11 A I retired.

12 Q Good for you.

13 A Yes.

14 Q Prior to working as PBIS program manager,
15 where did you work?

16 A I worked with Griffin Spalding County
17 schools, and I was their PBIS district coordinator
18 and Project AWARE coordinator.

19 Q Was that one job with two big
20 responsibilities?

21 A It was.

22 Q What years did you hold this position?

23 A 2015 to -- 2015 to 2019.

24 Q And who did you report to at this role?

25 A Sheila Mincey. She was our director of

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1 special education.

2 Q And is that the director for the Griffin
3 Spaulding School District?

4 A She was, and she's retired now. But she
5 was my direct supervisor.

6 Q And do you have any direct reports?

7 A I did.

8 Q Who were they?

9 A Okay. Ethan Englehart, Kelly Petaccio,
10 Debbie Crisp, Dana Welch.

11 Those were my direct reports.

12 Q And what positions did they hold?

13 A Okay. Ethan, Dana and Kelly were all
14 mental health clinicians. Debbie Crisp was my
15 assistant, so she was like -- she was a part-time
16 employee and -- I don't exactly remember Debbie's
17 title per se, but she was an assistant.

18 Q And what were your duties in this role?

19 A So my duties were I supported Griffin
20 Spaulding. All schools implemented the PBIS
21 framework. So it was to make sure that that was
22 done with fidelity, providing training and supports
23 to schools.

24 And then the reason why I went there was
25 Griffin Spaulding was selected by the State of

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1 Georgia to be one of the three LEAs for the Project
2 AWARE grant, and that was to integrate mental health
3 services into the schools. And so I oversaw, like
4 you said, those two big projects, PBIS and Project
5 AWARE.

6 Q And just to make sure that I heard you
7 correctly, did you say that it was your job to
8 introduce PBIS to Griffin Spaulding School District
9 or that they already --

10 A They were already trained, and I think
11 they got trained -- I don't, I don't remember the
12 dates. But they had all already been trained and I
13 was going to continue that work and support them.

14 Q Did you interact with regional GNETS
15 programs while you were in this role?

16 A I did.

17 Q In what ways?

18 A So Mainstay Academy in Griffin, they
19 implemented the PBIS framework. So they were one of
20 my schools, just like the other 20 schools in the
21 district.

22 And so I interacted with them, just like I
23 did all the other schools. Provide support, do
24 walk-throughs. They attended my monthly coach's
25 meetings to get professional learning and training.

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1 Q Did you interact with GaDOE in this
2 position?

3 A I did.

4 Q In what ways?

5 A As the Project AWARE coordinator. Again,
6 that was a direct connection to GaDOE because we
7 were one of three LEAs. So I had regular
8 interaction.

9 Rebecca Blanton was the project manager at
10 the Georgia Department of Education for Project
11 AWARE, and so I interacted with her very regularly,
12 attended meetings monthly, attended conferences,
13 presented.

14 Q And prior to holding this position at
15 Griffin Spaulding School District, what was your
16 employment?

17 A You want all the roles or just the -- you
18 want to go role by role?

19 Q Let's go role by role.

20 A Let's go role by role.

21 So right prior to that I was a principal
22 in Fayette County at Bennett's Mill Middle School.

23 Q What years did you hold that position?

24 A 2013 to 2015.

25 Q What were your duties in that role?

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1 A I served as principal to the school, so
2 everything under the sun that had to do with the
3 daily operation of the school was my responsibility.

4 Q And did you interact with GaDOE in that
5 position?

6 A I did because we, and not regularly but it
7 was during Fayette County's initial implementation
8 of PBIS rollout, and we volunteered to be one of the
9 first schools in Fayette County that first cohort,
10 so I got to be trained by the Department of
11 Education, you know, when I was the principal there.

12 Other than that, as a principal, I had
13 very little interaction with the Georgia Department
14 of Education.

15 Q Did you interact with any regional GNETS
16 programs while you were principal?

17 A I did. The GNETS that supported Fayette
18 County. If we needed to have a meeting or placement
19 about a student, it would be that type of
20 interaction.

21 Q What was your job before you were
22 principal?

23 A So prior to that, I was the assistant
24 principal and athletic director at McIntosh High
25 School in Peachtree City, and I held that role from

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1 2011 to 2013.

2 Q Did you interact with any GNETS programs
3 in that role?

4 A With any what programs?

5 Q Regional GNETS programs.

6 A I don't recall any interactions while I
7 was there with GNETS. I don't recall any student
8 placements.

9 Q And prior to that position, what was your
10 role?

11 A And so prior to that, I was an assistant
12 principal and testing coordinator at Starr's Mill
13 High School. I held that role from 2004 to 2011.

14 Q And did you interact with any regional
15 GNETS programs while in that role?

16 A I don't recall. None are coming to mind.
17 I just don't remember if I did or I did not.

18 Q And before your role at Starr's Mill, what
19 was your role?

20 A I was an assistant principal and athletic
21 director at Whitewater Middle School, and I was
22 there from 1998 -- 19 -- 1998 to 2004, assistant
23 principal and athletic director.

24 Q And did you interact with regional GNETS
25 programs in that role?

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1 A I do remember interacting with GNETS while
2 I was at Whitewater Middle School, and again it was
3 meeting with students who needed additional supports
4 and attended IEP meetings and those kinds of things
5 for placement.

6 Seemed like I had more -- you know, most
7 of the time those placements happened in the -- more
8 in the middle school, you know, as we see behaviors
9 develop, than they did in the high school. That's
10 why I just don't remember at McIntosh or Starr's
11 Mill. But I do recall at Whitewater having some of
12 those meetings.

13 Q Did you hold any other positions at
14 Whitewater?

15 A I did. I was a teacher from '92 to '98
16 while I was at Whitewater Middle School.

17 Q What did you teach?

18 A I taught -- my first year I taught science
19 in the seventh grade, and then after that I taught
20 eighth grade social studies.

21 Q And did you hold any positions before
22 that?

23 A That was it.

24 Q Sounds good.

25 Do you have any professional

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1 organizational memberships?

2 A I'm a member of GAEL. The other
3 professional memberships now, especially that I'm
4 retired, I don't keep those any longer.

5 Q What is GAEL?

6 A Georgia Association of Educational
7 Leaders.

8 Q And have you held any leadership positions
9 in professional organizations?

10 A I have. All right. So I was the
11 president of the Georgia Association for Positive
12 Behavior Supports.

13 I have served as -- I'm secretary, vice
14 president, and president of the Georgia Association
15 for Secondary School Principals in District G, which
16 is that Fayette County region.

17 Those are the couple that are coming to
18 mind right now.

19 Q Sounds good. So let's move on.

20 How would you define school climate?

21 A School climate is to use Peter DeWith.
22 It's the plate that everything we do in schools sits
23 on.

24 It's -- everything from when the students
25 get on the bus to the students get off is their

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1 school climate. Yeah, it encompasses everything
2 about a student's day.

3 Q Would is PBIS?

4 A PBIS, Positive Behavioral Interventions
5 and Supports, is a three-tiered framework in which
6 schools operate to make sure that behavior and
7 expectations are set and taught. Just like we teach
8 academics, we believe that behavior can be learned,
9 therefore it should be taught.

10 And so the framework is three-tiered.
11 Tier 1 is what all students get, that positive
12 climate. Everyone gets that instruction. Everyone
13 has expectations that are set.

14 And then for students that need a little
15 additional support we have Tier 2 supports. And
16 that is just more intensification of what we do at
17 Tier 1. Oftentimes it's done in group settings. So
18 you may have a group of students who may need some
19 additional supports, so you pull them together and
20 provide some additional interventions or strategies.

21 And then Tier 3 are the most intensive.
22 That's for students with pretty significant behavior
23 concerns that Tier 1 and Tier 2 weren't working for.
24 And so we try to intensify what we were doing at
25 Tier 2, or maybe change an intervention or a

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1 strategy to make sure that that student is also
2 successful.

3 But the most important thing about PBIS is
4 it's not a curriculum, it's not a thing that you do,
5 it's a framework and it's how schools operate.

6 Q And how does PBIS play a role with school
7 climate?

8 A So I think probably the best way to
9 describe that is PBIS makes improving school climate
10 intentional. I think that if, if we think that
11 those things are going to happen just automatically
12 or by chance, they don't. Having been in the school
13 for a long time and at a district, you may have good
14 intentions but if you're not intentional about
15 setting up a framework and having people that are
16 going to, you know, be held accountable, having an
17 action plan, PBIS is that framework to improve
18 school climate. It gives the intentionality around
19 it.

20 Q To your knowledge, what is the status of
21 PBIS in GaDOE currently?

22 MS. JOHNSON: Object to form.

23 You can answer.

24 THE WITNESS: Thank you.

25 A Can you help me with that? The status?

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1 Q More broadly, is PBIS something that GaDOE
2 supports --

3 A Yes.

4 Q -- based on your experience?

5 A Yes, yes.

6 Q What regulations in Georgia are applicable
7 to PBIS?

8 MS. JOHNSON: Object to form.

9 You can answer.

10 A Regulations? Help me with --

11 Q Are there any laws or codes that apply to
12 PBIS or reference PBIS, to your knowledge?

13 MS. JOHNSON: Object to form.

14 You can answer.

15 A Are there any -- so let me tell you a
16 little of what my understanding of how PBIS first
17 came to be.

18 1997, reauthorization of IDEA, it was
19 identified that some students with behavioral issues
20 were being excluded from other educational
21 opportunities, and so PBIS came about as a way to
22 address some of those behavior concerns and
23 implement the frameworks, and the National TA Center
24 was set up in order to address some of that.

25 To my understanding, that's how PBIS came

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1 to be, you know, a framework. If there's anything
2 specific in Georgia statute, I'm not aware of it.

3 Q Is PBIS useful for students with
4 disabilities?

5 A It is.

6 Q How so?

7 A Again, that intentionality, the structure,
8 all students benefit from explicit instruction,
9 being taught skills.

10 PBIS approaches behavior like we do
11 academics, and that is, it's a skill deficit. So
12 many times I think students with behavior concerns
13 and disabilities, people think that it's a will and
14 they're just misbehaving, and it's not the case.
15 They don't have the skills.

16 And us just telling them to do this,
17 telling is not teaching. We have to be intentional
18 about teaching the skills and breaking those down,
19 and that's what PBIS does when it's implemented with
20 fidelity.

21 And so it benefits all students, but I
22 think it especially benefits them and we really see
23 it working well with some of our students with
24 disabilities.

25 Q Would you agree that PBIS is useful for

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1 decreasing challenging behaviors for students with
2 disabilities?

3 A Say that one more time. I want to listen
4 carefully.

5 Q Would you agree that PBIS is useful for
6 decreasing challenging behaviors for students with
7 disabilities?

8 A Yes, I would agree with that statement.

9 Q And how would you define challenging
10 behaviors, generally?

11 A Generally?

12 Q Generally or in that context.

13 A Yeah. I think challenging behaviors, the
14 first thing that I think about is when a student is
15 exhibiting challenging behaviors, it is interfering
16 with their ability to learn or maybe their
17 classmate's ability to learn.

18 I think challenging behaviors is also
19 subjective to the settings. You know, we have some
20 settings that a challenging behavior may not be
21 noticed at all, and then we have some settings where
22 challenging behaviors may really stand out, just
23 even in the general population.

24 Some of the behaviors we see in
25 kindergarten and meltdowns, if you saw that in a

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1 high school it would really be a challenging
2 behavior, but it's pretty typical for a
3 five-year-old.

4 So it's -- for me, it's is it interfering
5 with their ability to learn? And then that becomes
6 the challenge, is we're not able to provide their
7 education.

8 Q What are your personal beliefs about the
9 importance of school climate?

10 A My personal beliefs? I came out of
11 retirement to make sure that schools are still
12 improving their climate.

13 For me it's the foundation of everything
14 else that we're going to do in school. Personally,
15 I think building the relationships with students and
16 adults is the primary importance of school climate,
17 and that's where everything begins.

18 So it's kind of what I've dedicated this
19 back third of my career to doing, and even when I
20 was in the school as an administrator and principal,
21 improving and building school climate was one of the
22 most important things I did every day.

23 Q Did you have these beliefs while you
24 worked at GaDOE?

25 A I did.

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1 Q And did they change over time at all?

2 A About school climate? No. It was only
3 reinforced with the work, and especially when you
4 see schools and school districts that are really
5 implementing the work and doing a great job and you
6 see the difference, it really feeds you to want to
7 do that more.

8 Q What information or data informs your
9 beliefs about the importance of school climate?

10 A What information or data?

11 So we -- I think outcome data for schools,
12 when you see a school or a district that is really
13 working to implement PBIS with fidelity or working
14 on school climate with fidelity and you see the data
15 or the results, I think it's two things: I think
16 it's the qualitative data and the quantitative data.
17 It's not just the numbers. Some of the most
18 powerful things are the stories and the testimonies
19 that you hear about school climate. I think that's
20 some of the most powerful.

21 So I can think of stories and data that
22 both inspire me equally to know that the work's
23 important.

24 Q Do you have any professional role models
25 or thought leaders on this topic that you look up

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1 to?

2 A I do.

3 Q Who are they?

4 A Garry McGiboney, he's still one of my
5 mentors, and he's one that really inspired me when I
6 was at the Department of Education to pursue, pursue
7 what I believed in, and that was when I got there,
8 that integration mental health services into what we
9 were already doing and to stay focused on school
10 climate and to stay focused on, you know, the work
11 that PBIS -- that we were doing.

12 So I would probably say he's top of my
13 list.

14 Q What are the positive effects of a good
15 school climate?

16 A Positive, so increased academics. We see
17 that schools with positive school climate have
18 higher academic achievement. We see that they have
19 higher attendance rates.

20 We see a lower attrition for faculty and
21 staff in schools with positive climate.

22 We have students that are happier and
23 healthier, and we take a look at data, like the
24 Georgia State Health Survey.

25 We see a correlation in the community, in

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1 juvenile court cases. So we know that the skills
2 that we're teaching in schools transfer to the
3 community.

4 So it's pretty far reaching, school
5 climate. Ultimately, we're there to teach and keep
6 students in school.

7 And so a reduction in disciplinary
8 hearings, reduction in suspensions, days of
9 expulsions are all -- can be attributed to a
10 positive school climate.

11 Q What are the negative effects of a poor
12 school climate?

13 A The opposite of everything I just told
14 you. You know, we see low graduation rates.

15 One of the big indicators is when we take
16 a look at attendance, and not just the students but
17 also the faculty and staff, and that's a, that's a
18 big red flag.

19 But poor academic achievement, low
20 graduation rates, low scores on Georgia Student
21 Health Survey, high clinic visits, transiency of
22 students.

23 I think those are some of the big ones
24 that pop into my mind.

25 Q What is a district -- sorry.

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1 What is the school's role in creating a
2 positive school environment?

3 A We train and -- we train through PBIS, and
4 I believe that all begins with the principal. The
5 principal has to be the person that's leading that.

6 The school -- again, I'm going to go back
7 using the word intentional -- the school has to be
8 intentional about setting up policies, practices and
9 hiring people that are going to support that.

10 It's not something that's going to happen,
11 and if you just -- if you just leave it to run its
12 own course, the chances are it's not going to, it's
13 not going to be a positive climate.

14 You have to work at it. It has to be a
15 focus and, you know, as a principal it was my job to
16 take care of the faculty and the staff and the
17 adults in the building so that they would take care
18 of the children in the building.

19 And so you have to have a common vision, a
20 common message. Schools have to set expectations.
21 Schools have to teach those expectations. They have
22 to practice and model. They have to give it
23 acknowledgment and feedback when students and adults
24 meet the expectations.

25 So there's a lot of responsibilities on

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1 the school. It all lie with that school and that
2 leadership to establish that climate.

3 Q What is the district or LEA's role in
4 creating a positive climate?

5 A Support. I'm thinking about my role when
6 I was in Griffin at the district level, like what
7 was my role. My role was to support and train and
8 give feedback and sometimes have some crucial
9 conversations when things weren't going well and
10 what we say may not be going well.

11 But really my job at the district or the
12 LEA is to provide that support. What is it that you
13 as a school need to be or need to have in order to
14 be successful? And it's my job to provide that to
15 you.

16 Q What is the State's role in supporting
17 schools or LEAs creating a positive school
18 environment?

19 A So that domino continues. So what I look
20 for at the State level is to provide that support to
21 the districts. What training, what guidance, what
22 professional learning do you need at the district
23 level so that you can help support implementation at
24 the school level.

25 Q Did you advocate for improving school

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1 climate in your role at GaDOE?

2 A I did.

3 Q In what ways?

4 A I think it kind of -- really increasing
5 what we were doing, understanding -- and I think one
6 of the big changes that I made when I got to the
7 Department of Education, what I mentioned previously
8 about it's hard to talk about student behavior and
9 not include the conversation around mental health.
10 And I think by addressing mental health concerns in
11 our schools I mean definitely improves school
12 climate.

13 And it was a pretty good shift in
14 thinking, in what we were doing, and so I think that
15 was one of the big things.

16 Continuing to improve our training was a
17 big part of it. When I, when I arrived at the
18 Department of Education, we had a Tier 1 training.
19 We didn't have a Tier 2 or a Tier 3 training. So
20 those were both goals of mine, and so those
21 trainings have been developed.

22 And we developed a training on equity that
23 we know that we have to drill down in data and take
24 a look at some of the disproportionality that was
25 going on in our behavior and discipline. So we

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1 developed a training around that, and we improved
2 our classroom practices training of once we rolled
3 PBIS out schoolwide, how do we get that into the
4 classrooms, to the teachers. So we improved that as
5 well.

6 So I really wanted to improve our training
7 manuals. We totally revised how we trained and why
8 we had stuff included in our curriculum.

9 So I think all of those things, kind of
10 based on your previous questions, that training and
11 professional learning is what people counted on. So
12 we needed be the very best.

13 So I looked to expand it and improve on
14 what we really had in addition to the mental health.

15 Q And did you advocate for these changes for
16 all schools or just a subset of schools?

17 A All schools. So that's what I just
18 described to you, that's what's available to every
19 school in the state.

20 Q And what do you believe you achieved in
21 the way of enhancing school climate in Georgia?

22 A I'm hoping that we were really able to
23 train schools and districts to look at every aspect
24 of school climate, to look at every aspect of not
25 just PBIS but also the mental health.

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1 You know, what I really wanted was for
2 schools that have been implementing for a few years,
3 I wanted to be able to go deeper with them. And for
4 schools that are just now coming on with
5 implementation, I really wanted to have a really
6 stronger fidelity of training for our new schools.

7 So kind of the -- I used to say we want to
8 really improve the breadth and the depth of what
9 we're doing. So expanding Tier 1, Tier 2, Tier 3.
10 Classroom equity, we expanded the breadth.

11 But also for those schools that were
12 implementing with fidelity, how could we go a little
13 bit deeper with them.

14 So I'm hoping that -- I'm hoping that
15 that's some of the things that I was able to change.

16 Q Has GaDOE endorsed the use of PBIS
17 framework?

18 A They have.

19 Q Who at GaDOE made the decision to endorse
20 this framework?

21 A That happened before I was at the
22 Department of Education, so I don't know.

23 Q Do you know any reasoning for the
24 endorsement?

25 A I don't.

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1 Q Why would a Department of Education
2 endorse a PBIS framework?

3 A One of the things that is really important
4 with our framework and everything that we do is that
5 it's research and evidence-based.

6 And so for a lot of educational agencies,
7 that's really important. Tear trends come and go in
8 education, and I've seen it over my 30-plus year
9 career, but to have something that has the research
10 and the evidence-base behind it, that you know has
11 been proven, it's been proven in multiple areas,
12 multiple states, multiple schools, and there's a ton
13 of research behind it, I think that's really
14 important in education.

15 So I think that's one of the things that
16 PBIS carries with it, is that research and
17 evidence-base.

18 Q What, if any, incentives are provided by
19 GaDOE to school districts or schools to encourage
20 them to adopt the PBIS framework?

21 MS. JOHNSON: Object to form.

22 You can answer.

23 A Give me examples of -- we don't provide
24 any funds to schools. What we are able to provide
25 is -- or what the DOE, GaDOE, is able to provide --

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1 and I still say "we" -- but is that training and
2 support to schools.

3 Q So let me word this differently.

4 A Okay.

5 Q Does GaDOE encourage the PBIS framework?

6 MS. JOHNSON: Object to form.

7 A I don't know how to answer that. You
8 know, GaDOE is a big institution, so when we say
9 does GaDOE, that's hard to answer.

10 Q Does GaDOE do anything to support school
11 districts that implement PBIS?

12 A Yes. So they've committed salaries,
13 people, web services, trainings, travel.

14 You know, we have -- the Department of
15 Education provides a budget. So all of that is
16 support to be able to provide PBIS trainings and
17 supports.

18 They've committed to having a team there,
19 expanding that team. So I would say that's an
20 indication for me of support.

21 Q Based on your years of experience working
22 at GaDOE, has GaDOE prioritized PBIS implementation?

23 MS. JOHNSON: Object to form.

24 A While at the DOE? I felt supported as the
25 PBIS program manager.

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1 Q Do you believe that providing access to
2 mental health services and supports in schools is
3 important?

4 A I really do.

5 Q Why is that?

6 A I think what we have seen is -- and when
7 you take a look at the research and the data around
8 it, many of the onset of mental illnesses are
9 occurring while -- during school-aged time, and if
10 we're not looking at that and recognizing that,
11 oftentimes the parents aren't recognizing that
12 something's going on with their children.

13 So I think it's important that we provide
14 those supports to our -- to our students, because we
15 know that that onset is happening while they're with
16 us, and it interferes with their ability to live,
17 laugh, love, and learn. And that learn part is our
18 responsibility.

19 And so we've got to meet those needs to
20 make sure that they're successful.

21 Q Did you have these same beliefs while you
22 worked at GaDOE?

23 A I did. It's the reason why I went there.

24 Q And did your beliefs change at all over
25 time?

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1 A No.

2 Q Are you familiar with the term
3 "school-based mental health"?

4 A I am.

5 Q What does it mean to you?

6 A School-based mental health are any type of
7 services and supports that we can offer within the
8 school setting that's going to help the mental
9 health of students and adults.

10 Q And are you in favor of school-based
11 mental health --

12 A I am.

13 Q I'm going to just finish that sentence.
14 Are you in favor of school-based mental
15 health services?

16 A Services, yes.

17 Q What information or data supports or
18 informs your beliefs about the importance of
19 school-based mental health services?

20 A A lot of the work that I've done over the
21 years with Project AWARE has really educated me
22 about mental health. Particularly, I saw what we
23 were able to do in Griffin, and then when I moved to
24 the State Department, and that is through the
25 Project AWARE grant, being able to train adults in

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1 youth mental health First Aid, and hearing those
2 stories of, hey, Jason, let me tell you what
3 happened. It wasn't with the student but maybe it
4 was a family member, and because of my training we
5 were able to recognize they were in crisis and we
6 were able to get them help.

7 Those stories are really powerful.

8 When I see students and they've learned
9 breathing techniques or an elementary age student is
10 helping another friend with calming techniques.

11 So I've seen it in action and I've seen
12 the benefits of it.

13 Q Did you ever advocate for enhanced access
14 to mental health in schools while you were employed
15 by GaDOE?

16 A I did.

17 Q In what ways?

18 A Through the promotion of the work that we
19 were doing with the Project AWARE grant, some of the
20 things we were doing. I trained youth mental health
21 First Aid. I'm a trainer for that. So I definitely
22 advocated for that.

23 I advocated for using different types of
24 universal screenings for behavior, to try to get to
25 some of those internalizing behaviors when students

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1 are struggling.

2 You know, just about everything that -- we
3 were doing access to outside services so that we
4 could request -- when we had a student who's --
5 where it was in crisis or needed more services than
6 we could provide in school base, how to write
7 memorandums of understanding so that you could
8 request assistance from your Community Service
9 Boards or private providers to get students that
10 assistance.

11 Even to training our counselors and social
12 workers and psychologists on the Columbia Suicide
13 Severity Rating Scale, so that they could interview
14 students and be able to tell if they were in crisis
15 and they needed to get additional assistance.

16 So, you know, just a wide variety of ways
17 that I, you know, I tried to promote mental health
18 services in schools. Speaking at conferences,
19 local, state, national, international conferences,
20 including mental health conferences, school-based
21 mental health conferences. By the work that we were
22 doing in Georgia, to try to encourage other states
23 and other districts and countries to also adopt some
24 of that.

25 MS. CHEVRIER: I'd like the court reporter

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1 to mark this document as Plaintiff's Exhibit
2 672.

3 (WHEREUPON, Plaintiff's Exhibit-672 was
4 marked for identification.)

5 BY MS. CHEVRIER:

6 Q Mr. Byars, this is an email thread between
7 you and Garry McGiboney from August 16th, 2019.
8 Correct?

9 A Yes.

10 Q And it's Bates No. GA00303633.

11 Do you recognize this email thread?

12 A To the extent that my name is on it, I
13 recognize it. I'll have to read it to see if I...

14 Q Who is Garry McGiboney?

15 A Garry McGiboney is a former deputy
16 superintendent in the Georgia Department of
17 Education.

18 Q And in what context did you work with Mr.
19 McGiboney?

20 A Dr. McGiboney was my direct supervisor
21 while I was at the DOE. I don't recall if at the
22 time this email was written if he was my direct
23 supervisor or if I was still in the Office of
24 Special Education.

25 Q Now that you've looked at this email, do

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1 you recognize this email?

2 A Let me, let me look it over.

3 (Witness reviews exhibit.)

4 Q We're going to go through this email
5 together.

6 A Sure.

7 Q Do you recognize it at all?

8 A I do.

9 Q In the email at the bottom of the first
10 page, do you see where you wrote to Dr. McGiboney:
11 "As you are well aware PBIS is not 'school-based
12 mental health services' and is certainly not only at
13 Tier 1"?

14 A I do.

15 Q On the next page, Bates number GA00303634,
16 do you see where you wrote: "But to frame PBIS as
17 school-based mental health services is inaccurate
18 and misleading."

19 A Uh-huh. (Affirmative.)

20 Q Sorry. For the record, do you --

21 A Yes, I do. Sorry.

22 Q What do you mean by these statements?

23 A So let's go back to Page 1.

24 PBIS is not school-based mental health
25 services. PBIS is a framework, and within that

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1 framework it's -- this indicates it's flipped. PBIS
2 is the framework and in the framework we can offer
3 services at Tier 1, Tier 2, Tier 3.

4 I don't have the slide in front of me, but
5 PBIS is also not just a Tier 1. PBIS also provides
6 services at Tier 2 and Tier 3.

7 So I was making the clarification that
8 PBIS is the framework. The certifications go within
9 the framework. It's not the other way around. And
10 that includes Tier 1, Tier 2, and Tier 3.

11 Q Is it accurate to say school-based mental
12 health services can be one of the services provided
13 through the PBIS framework?

14 A Correct.

15 So in the PBIS training, we don't train
16 mental health services as part of PBIS. But in that
17 framework of behaviors, you can also tier in mental
18 health services at Tier 1, Tier 2, Tier 3, just like
19 we do behavior services.

20 Q So is it possible that a school that has
21 adopted a PBIS framework would not include
22 school-based mental health services?

23 A Very possible.

24 Q But it is also possible that a PBIS
25 program at a school could incorporate school-based

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1 mental health services?

2 A A PBIS framework at a school could
3 incorporate mental health services as well.

4 Q If mental health concerns are manifesting
5 as behavioral challenges for a particular student,
6 do you think that the PBIS framework, if it did not
7 incorporate school-based mental health services
8 would sufficiently address those behavior
9 challenges?

10 MS. JOHNSON: Object to form.

11 You can answer.

12 A You said sufficiently. That's hard to
13 answer. I do believe that the PBIS framework, and
14 given some consistencies to behaviors, would benefit
15 students who have -- mental wellness is a continuum.
16 We all have mental wellness. Some days our mental
17 wellness is better than other days, just based on
18 factors going on in our lives, stress, trauma, those
19 types of things.

20 And so I believe that PBIS framework and
21 that consistency helps the mental wellness of
22 everyone that's in that building.

23 For students with diagnoseable mental
24 illnesses, would it be sufficient? I don't know
25 that it would be sufficient. Does it help to have a

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1 positive school climate? I think it helps. But I
2 also believe that there are students and adults who
3 need additional supports.

4 Q For students who need additional supports,
5 if they attend a school that has adopted the PBIS
6 framework but that framework does not incorporate
7 school-based mental health, will that student's
8 needs be met?

9 MS. JOHNSON: Object to the form.

10 You can answer.

11 A It's hard to generalize on that question.
12 Mental illness is -- there's all types of mental
13 illnesses, and to say as a blanket that PBIS is
14 going to address all of those, I don't -- I don't
15 know that I can state that.

16 Q Do you agree that mental health services
17 are essential for some children to participate in
18 school?

19 MS. JOHNSON: Object to form.

20 A Say that one more time for me.

21 Q Do you agree that mental health services
22 are essential for some children to participate in
23 school?

24 MS. JOHNSON: Object to form.

25 A I think it would be beneficial for some

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1 students.

2 Q What services are typically important to
3 address emotional or behavioral challenges for
4 students?

5 A Emotion regulation skills, learning to
6 recognize your emotions and be able to identify, and
7 then having the skills to self-regulate I think is
8 really important.

9 I think providing some skill groups for
10 our students around particular skills. Sometimes it
11 may be around grief or loss, be able to provide
12 those types of supports.

13 I think we take a look at what the
14 individual or groups of students need and see what
15 we can do to best meet that.

16 I think really the key, though, is skill
17 development and given students and adults skills to
18 be able to regulate their emotions and build
19 resiliency.

20 MS. CHEVRIER: I'd like the court reporter
21 to mark this document as Plaintiff's Exhibit
22 673.

23 (WHEREUPON, Plaintiff's Exhibit-673 was
24 marked for identification.)

25 MS. CHEVRIER: The Bates No. of this, the

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1 first page of this document is GA01029947.

2 BY MS. CHEVRIER:

3 Q This is an email between you, Mr. Byars,
4 and Dr. Garry McGiboney, with the most recent email
5 in the thread dated May 17th, 2019.

6 Is that correct?

7 A It is.

8 Q And do you recognize this email?

9 A I do.

10 Q Let's turn to Dr. McGiboney's email from
11 -- email to you from 11:01 a.m. on May 17th. That's
12 on the second page, which is Bates No. GA01029948.

13 Let's look at the second bullet point that
14 he sent to you. Do you see where he wrote: "Also,
15 the GaDOE as a policy position has serious concerns
16 about advocating for mental health screening"?

17 A Uh-hum. (Affirmative.)

18 Q Sorry?

19 A I do see that. Sorry.

20 Q What do you understand this to mean?

21 MS. JOHNSON: Object to form.

22 If you need additional time to read
23 through the document, take your time.

24 THE WITNESS: Okay, thank you.

25 (Witness reviews exhibit.)

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1 A Can you ask that question one more time,
2 please?

3 Q Sure. You see where Dr. McGiboney wrote:
4 "Also, the GaDOE as a policy position has serious
5 concerns about advocating for mental health
6 screening"?

7 A Yes.

8 Q What did you understand this to mean?

9 A I understood that to mean that some of the
10 work that we were doing through the Project AWARE
11 grant was around -- and I think language here is a
12 little confusing.

13 We used mental health screening in place
14 of behavior screening, and so I think the concern
15 there was we were doing behavior screening using a
16 couple of instruments, and the Department of
17 Education I think had a policy, you know, based on
18 what Dr. McGiboney is saying here, that it had
19 concerns about that, that we as the DOE were
20 promoting that.

21 Q Why would GaDOE have concerns about mental
22 health screenings being promoted?

23 MS. JOHNSON: Object to form.

24 A I can't answer that question.

25 Q It was your understanding that --

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1 MS. CHEVRIER: Sorry. Take it back.

2 BY MS. CHEVRIER:

3 Q Was it your understanding that GaDOE had a
4 concern about your promoting mental health
5 screenings in schools?

6 MS. JOHNSON: Object to form.

7 A I do recall the confusion over the
8 screening. And, again, I remember the State
9 Department of Education grant, the Project AWARE
10 grant, the screening was part of the grant, and so I
11 do recall the concern.

12 Q What were the specific concerns?

13 A I don't remember what the specific concern
14 was. I remember the term "mental health screening"
15 was a concern because the SRSS and the SDQ, which
16 are the two instruments we use, are behavior
17 screeners. So I think the concern was over some of
18 the confusion of mental health screener and behavior
19 screener.

20 Q And what is the SRSS?

21 A The SRSS stands for Student Risk Screening
22 Scale, and the SDQ stands for Strength and
23 Difficulties Questionnaire. They are both behavior
24 screeners.

25 Q Did it concern you that there were

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1 concerns about school-based mental health screeners?

2 A Um, I don't know that it concerned me. I
3 had so much respect for Garry and trusted him that I
4 thought it was, you know, like I said, excellent
5 feedback. You know, I was new in that position, so
6 making me aware of some of those concerns I think
7 was helpful.

8 Q How would you define inclusion?

9 A How would I define inclusion?

10 I would say my definition would be the
11 integration of students with all skill and ability
12 levels and to -- you know, one classroom or one
13 setting.

14 Q Do you think inclusion is important for
15 students with disabilities?

16 A I do believe it is important.

17 Q Why?

18 A I think that both students with
19 disabilities and students without disabilities, they
20 have a lot to learn from each other. They have a
21 lot to -- a lot of ways they can support one
22 another.

23 I think in a lot of instances it builds
24 empathy. I think in a lot of instances I've seen it
25 direct students' career paths.

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1 So I think it's -- it can be very
2 beneficial.

3 Q Based on your education and experience,
4 what types of behaviors are typically not able to be
5 served in the general education setting?

6 A Define general education setting for me,
7 because I'm thinking about -- you know, middle
8 school that I was a principal of, I had
9 self-contained EBD classes there, I had a mild and
10 moderate class there, I had a severe and profound,
11 nonverbal students, students with feeding tubes, and
12 I had gifted students in that same class -- in that
13 same school. Not class. In that same school.

14 So they were all under my roof. So to me
15 that's gen ed -- to me that defines the general
16 education setting.

17 So I just need to know, do you mean like
18 in a general ed classroom or a general ed school?

19 Q Let's go with your definition and general
20 education school building. What, based on your
21 education and experiences, are the types of
22 behaviors that are not typically served in a general
23 education school setting?

24 A The only ones that really stand out to me
25 are those behaviors that are so severe that they

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1 pose safety risks to the student or to others.
2 Those would be the only ones that I really remember.
3 While I was at the building level that we, we
4 couldn't educate -- just about anything else we were
5 able to educate.

6 Q If the PBIS framework is implemented with
7 fidelity, could it reduce these types of behaviors
8 that pose safety risks?

9 MS. JOHNSON: Object to form.

10 A With the students with the most severe
11 behaviors? Is that who you're referring to, or just
12 in general?

13 Q Yes. You just referenced that students
14 who pose safety risks to themselves or others might
15 not, in your opinion, be able to get served in the
16 general education setting. Is that correct?

17 A Correct.

18 Q If PBIS is implemented with fidelity,
19 could it reduce those types of safety risk
20 behaviors?

21 A It definitely can, yes.

22 Q And if PBIS is implemented with fidelity,
23 could it reduce the number of students needing an
24 alternative placement outside of the general
25 education setting?

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1 MS. JOHNSON: Object to form.

2 A Ask that question one more time.

3 Q Sure. You stated before that if PBIS is
4 implemented with fidelity, it could reduce the types
5 of behaviors that you were discussing that pose
6 safety risks, correct?

7 A Correct.

8 Q So if PBIS is implemented with fidelity,
9 could it reduce the need for those students to be
10 educated in alternative settings outside of the
11 general education setting?

12 MS. JOHNSON: Object to form.

13 A Could it? Could it?

14 That's a hard question to answer. When
15 you say alternative setting, if we have a PBIS
16 implemented, expectations are taught, they're
17 reinforced, feedback is given. You know, we're
18 doing that with fidelity. It could reduce some of
19 the instances that for a disciplinary hearing would
20 get a student expelled, assigned to an alternative
21 school.

22 So I do see that building that positive
23 climate could reduce some students being assigned to
24 an alternative setting.

25 I also think that there's some behaviors,

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1 internal, that even within the PBIS framework and
2 setting they're still going to need additional
3 support.

4 So that's why I'm struggling a little bit.
5 Yes, I see that improving the overall climate and
6 reducing students' misbehavior, but I also know
7 there are still students who are going to need
8 additional supports.

9 Q Is it fair to say PBIS framework being
10 implemented with fidelity could reduce some students
11 being able to --

12 MS. CHEVRIER: Sorry. Let me rephrase.

13 Q Is it correct to say that if PBIS is
14 implemented with fidelity, it could reduce the need
15 for some students to attend an alternative placement
16 outside of the general education setting?

17 MS. JOHNSON: Object to form.

18 A I think that's fair to say.

19 MS. CHEVRIER: Is this a good time to stop
20 for a break?

21 THE WITNESS: I'm ready.

22 MS. CHEVRIER: Sounds good.

23 THE VIDEOGRAPHER: The time is 10:36 a.m.,
24 and we are off the record.

25 (A recess was taken.)

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1 THE VIDEOGRAPHER: The time is 11:05 a.m.,
2 and we are on the record.

3 BY MS. CHEVRIER:

4 Q Hey, Mr. Byars.

5 Earlier you were talking about your
6 position at GaDOE, correct?

7 A Correct.

8 Q And you mentioned that it was housed in a
9 number of different offices at GaDOE; is that right?

10 A Correct.

11 Q What was your position in each of those
12 offices?

13 A My position didn't change. I was the
14 program manager in each one of those offices.

15 Q And were you a program manager for
16 something specific?

17 A PBIS, school climate, school safety and
18 climate.

19 Q And so what was your full title?

20 A So my tile was PBIS -- program manager.
21 That was my title.

22 I think when I first got there it was --
23 it may have been PBIS program manager, but pretty
24 soon it changed to school climate program manager.

25 Q But were you doing the same thing

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1 regardless --

2 A Same work. And when I say changed
3 offices, my physical office never changed until we
4 went home for the pandemic, but the office that I
5 was -- the department that I was assigned to.

6 Q So you were a program manager initially,
7 maybe PBIS program manager?

8 A I think it was pretty soon after I got
9 there that the -- we changed from just being PBIS to
10 school climate, because what we wanted to do is make
11 sure all schools in our state, regardless of whether
12 you were implementing PBIS or not, that you were
13 supported.

14 Q And you mentioned that you have a master's
15 degree. Is that right?

16 A That's correct.

17 Q And what was the focus of your master's
18 degree?

19 A Educational leadership.

20 Q And you mentioned you're working towards a
21 Ph.D. at Nova Southeastern University?

22 A I have stopped. I completed that
23 coursework and stopped. It was for an Ed.D., not a
24 Ph.D.

25 Q And what was the focus of the Ed.D.?

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1 A The focus was the implementation of a
2 Saturday day school program for students as an
3 alternative suspension.

4 Q And did you do any internships or
5 practicums as part of either of those degrees?

6 A As part of the degrees, no.

7 Q Did you separately?

8 A I did an internship prior to becoming an
9 assistant principal when I was a teacher, and that
10 was in Fayette County. They had their own internal
11 internship program.

12 Q And do you have any ABA training?

13 A No ABA training.

14 Q When I say ABA, what do you take me to
15 mean for that?

16 A Applied behavior analysis.

17 Q That's my understanding as well?

18 A Okay.

19 Q And do you have any formal training
20 regarding PBIS?

21 A Did I have any formal? Yes. I was
22 trained as a principal by the Georgia Department of
23 Education. So I went through their Tier 1 training.

24 And then I have attended numerous
25 conferences and trainings from a wide variety of

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1 places. The International PBIS Forum, the PBIS
2 Leadership Forum.

3 Q And earlier we discussed that sometimes
4 students' behaviors might cause a safety risk; is
5 that right?

6 A Correct.

7 Q Can you provide some examples of the types
8 of behaviors that cause a safety risk?

9 A Sure. Some elopement behaviors, when a
10 student leaves the school building. That can pose a
11 safety risk.

12 Students who can't self-regulate and get
13 really angry, throwing things or hitting people.
14 Those provide safety risks.

15 Q And before you said that behaviors that
16 cause safety risks might cause a student to need an
17 alternative setting. Is that right?

18 A Correct.

19 Q Are the behaviors you just described the
20 behaviors that can cause a student to need an
21 alternative setting?

22 A Could. Not always.

23 Q What do you mean by not always?

24 A Sometimes students were able to work with
25 and give them strategies and techniques that they're

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1 able to regulate and manage their behaviors. And
2 sometimes we're not. Sometimes they're so acute or
3 so severe that they need an additional placement.

4 Q And if PBIS is implemented with fidelity,
5 can it help students achieve that behavior
6 regulation?

7 A It can help.

8 Q How would you define mental health
9 services?

10 A That's a broad -- so that's a broad
11 question.

12 Q I can narrow it a little bit.
13 How would you define school-based mental
14 health services?

15 A There you go.

16 School-based mental health services are
17 those things we can do in schools that aren't
18 therapeutic in nature but they do help with
19 self-regulation. They do help with maybe
20 mindfulness, breathing techniques. Some of those
21 things that we can do within a school setting to
22 help students regulate.

23 Q And who delivers those types of
24 school-based mental health services?

25 A It depends. Sometimes they're done at

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1 Tier 1 with all teachers in the classroom setting.

2 Sometimes school counselors do those.

3 Sometimes we have people with, you know, additional
4 expertise who come in and lead some of those.

5 So a wide variety of people. It depends
6 on the skill being taught as to who delivers it.

7 Q When you say that school-based mental
8 health services are not therapeutic, how are you
9 defining therapeutic?

10 A To me therapeutic is something that
11 requires additional certification or training in
12 order to deliver.

13 Q Sorry, can you say that again?

14 A Something -- intervention or strategy that
15 requires additional professional training or
16 certification in order to deliver it.

17 Q What kind of additional certifications or
18 trainings?

19 A Like ABA. That would be a perfect
20 example.

21 Q Are there any school-based mental health
22 services that are therapeutic?

23 MS. JOHNSON: Object to form.

24 A When outside agencies are able to come in
25 and deliver some of those services, they can be

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1 therapeutic.

2 Q Let's talk a bit more about PBIS.

3 MS. CHEVRIER: I'd like the court reporter
4 to mark this document as Plaintiff's Exhibit
5 673 -- 674.

6 (WHEREUPON, Plaintiff's Exhibit-674 was
7 marked for identification.)

8 BY MS. CHEVRIER:

9 Q Mr. Byars, this is a document titled,
10 "Georgia PBIS Implementation Process for Districts
11 and Schools," correct?

12 A Correct.

13 Q And do you recognize this document?

14 A I do.

15 Q Who created this document?

16 A Initially who created this document I do
17 not know.

18 Q Do you know of anyone who's updated this
19 document?

20 A Um, our team has updated this document.
21 This most current revision I do not know.

22 Q And when you say "our team," to whom are
23 you referring?

24 A I'm sorry. PBIS team, the school climate
25 team at the Georgia Department of Education.

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1 Q Thank you.

2 Is this process mandatory for districts in
3 Georgia who are choosing to implement PBIS?

4 MS. JOHNSON: Object to form.

5 A Is this process mandatory for the school
6 districts that are implementing? This is a best
7 practices, our recommended process.

8 There are always situations where there
9 may be something we have to adjust, but this is our
10 recommended process.

11 Q Let's turn to Page 3.

12 Do you see where it says the following
13 definition of PBIS: "PBIS is an evidence-based,
14 three-tiered framework designed to improve student
15 outcomes"?

16 A Yes, ma'am.

17 Q Do you generally agree with that
18 definition?

19 A Yes, ma'am.

20 Q What do you understand the reference
21 three-tiered framework to mean?

22 A Like we described earlier. What we do at
23 Tier 1, for all students, that works for about 80
24 percent of our students generally.

25 The other 20 percent need additional

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1 tiered supports. About 15 percent of those are
2 going to respond with a little more intensive Tier 2
3 supports, and then about five percent need that real
4 targeted intensive support in order to be
5 successful.

6 Q What kinds of systems and practices would
7 you expect to see at Tier 1?

8 A We would hope that we would see behavior
9 matrices that identify common language. We want to
10 see evidence that those expectations and procedures
11 and rules have been taught.

12 We want to see that there's a feedback and
13 acknowledgment system to acknowledge and give
14 feedback when students meet those expectations or
15 they don't meet those expectations.

16 We want to see, you know, more positive
17 than negative interactions with students.

18 Those are some of the things we expect to
19 see when we visit schools.

20 Q What did you mean by behavior matrices?

21 A So one of the first things that we do is
22 we have schools develop a behavior matrix. So they
23 identify these are the expectations for our school.
24 We recommend two to three -- two or three or five
25 expectations, and simply stated these are the

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1 overarching things we want students to do while
2 they're here. Be safe, be respectful, be
3 responsible, for example.

4 And so those are the expectations. We put
5 those on a behavior matrix, and then for each
6 location in the school, the hallway, the classroom,
7 the cafeteria, the media center, the front office,
8 the bus, the playground, the gym, we identify what
9 does it look like to be safe, respectful and
10 responsible. And we put those on a behavior matrix
11 and we hang those as visuals, as reminders, for
12 students and adults and we ask that we use that
13 language, and those are behavior matrices.

14 Q How do interventions and services at Tier
15 1 fit into the system that you just described?

16 A It's the foundation. So the behavior
17 matrix, that's a foundational piece at Tier 1.

18 The feedback and acknowledgment system,
19 that's a foundational piece at Tier 1.

20 So when we train initially how we conduct
21 the team meeting, that's a foundational. The data
22 that we pull, that's foundational.

23 All of those things are things that we do
24 at Tier 1.

25 Q Who provides these practices at Tier 1?

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1 A Who provides the practices or the training
2 at Tier 1?

3 Q Both.

4 A The trainings are provided by the Georgia
5 Department of Education, and within those trainings
6 the practices are taught.

7 Q And then who implements those practices at
8 the school level?

9 A They have -- we ask -- and it's in part of
10 our implementation guide -- that each school
11 identify a team that has a school coach, they have
12 an administrator, they have representation from
13 faculty and staff on that team, and it's the team's
14 responsibility to implement at the school.

15 So they oversee it, but it's really
16 everyone in the building's responsibility, but
17 there's a team who guides that work.

18 Q And you've described expectations at Tier
19 1. Are there interventions at Tier 1?

20 A There's not really -- interventions happen
21 more at Tier 2 and Tier 3 than they do at Tier 1.
22 By definition, an intervention is something
23 additionally.

24 Q And what type of students are intended
25 recipients of Tier 1?

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1 A Every single student. It's intended for
2 everyone.

3 Q And does that include special education
4 students?

5 A It includes special education students.

6 Q And what type of data is used at Tier 1?

7 A So we, we take a look at what we call our
8 Big Five. We take a look at -- we look at our
9 office discipline referrals. We take a look at by
10 grade level. We take a look at it by day of the
11 week, by month of the year. We take a look at it by
12 location in the building, and time of day.

13 And what we're doing is we're looking for
14 patterns to say how can we be predictive and try and
15 say what's the pattern of behaviors so we can get
16 ahead of it instead of constantly reacting to it.

17 So that's an example. I mean schools vary
18 from school to school on what, you know, what data
19 to pull it by, demographics. They'll pull it by
20 gender. So that we're really able to drill down and
21 write precise problem statements.

22 So the data is endless.

23 Q And so you mentioned the Big Five. That's
24 how you look at ODR?

25 A It's the categories within the Office

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1 Disciplinary Referrals.

2 Q And when I say ODR, we're talking about
3 Office Disciplinary Referrals?

4 A We are.

5 Q Is there any other type of data that is
6 helpful for Tier 1?

7 A There is. Attendance data is really
8 helpful. Nurse visits, that's really helpful data
9 at Tier 1.

10 Like I said, the ODR data, like archived
11 historical data from last year. So if we take a
12 look at, hey, December is coming up. Let's take a
13 look at what December looked like last year in our
14 school, so let's cut off some of the problems.

15 Drilling down into the reasons for the
16 ODR, what was the disciplinary infraction. That's
17 really helpful.

18 If a school is used in the universal
19 screening, that universal screening data is really
20 helpful.

21 Q You mentioned attendance data. Would it
22 be important for a school to have access to that
23 attendance data so that they can review Tier 1's
24 effectiveness?

25 A Yes.

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1 Q Are you familiar with Tier 1's system
2 teams?

3 A Tier 1 system teams? That term doesn't
4 ring a bell.

5 Q Okay. What kind of systems and practices
6 would you expect to see at Tier 2?

7 A At Tier 2, what we're looking at is
8 grouping students for skill development. One of the
9 most common practices is helping identify based on a
10 student's function of behavior why they're behaving
11 the way they are. And then one of our most common
12 practices at Tier 2 is Check In and Check Out. And
13 that's pairing students with a trusted adult, and
14 they set goals. So make the goals to be on time to
15 their classes. And so they check in in the morning
16 with that adult, they set that goal, and then they
17 check out and let the adult know how they did.

18 We do that and we group students together.
19 And so that's a common practice at Tier 2.

20 Q What other common practices exist at Tier
21 2?

22 A Skill groups. Behavior skill groups are a
23 common practices at Tier 2.

24 Groups based on -- I mentioned earlier
25 like a grief group or loss group. That may be a

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1 common practice at Tier 2.

2 Students who need help self-regulating,
3 maybe get together and teach a breathing skill. You
4 know, those are all common things that happen at
5 Tier 2.

6 It's that little bit of additional help
7 that students may need in order to be successful.

8 Q And who provides the training for Tier 2?

9 A The Georgia Department of Education has a
10 Tier 2 training.

11 Q And who is responsible for implementing
12 the systems and practices at the school level in
13 Georgia?

14 A The same group that's responsible at Tier
15 1. That team at the school is the group that's
16 responsible. And then just depending on the
17 strategy, it can encompass a wide variety of people
18 in the school.

19 Check In Check Out, for an example, that's
20 really for any adult in the building. If you're a
21 trusted adult and a kid identifies you as kind of
22 their go-to person, that can be anybody in the
23 building. It could be your cafeteria worker, your
24 SRO, your principal, a teacher, a counselor.

25 Q Are there any services provided as part of

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1 Tier 2 that are not provided by school staff?

2 A There could be a Tier 2, like a mentoring
3 program, an outside mentor who's not a school staff
4 member.

5 Check and Connect is a mentoring program,
6 and oftentimes those mentors are people who are in
7 the community. So that's an example of something
8 that could be an outside staff member that helps
9 implement a Tier 2 practice.

10 Q Are any of the systems and practices
11 provided as part of Tier 2 things that require
12 additional funding?

13 MS. JOHNSON: Object to form.

14 A There are things that -- curriculums if a
15 faculty -- or school decides they want to
16 participate. Curriculum.

17 Training, like for mentors. So, yeah,
18 there's -- there could be some additional expenses
19 really at all three-tiers, depending on how you want
20 to implement. But at Tier 2 for sure, it could be a
21 case.

22 Q Who provides the funding for those?

23 A The schools and the districts provide that
24 funding.

25 Q Do they get any funding from GaDOE?

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1 A They do not receive funding from the
2 Georgia Department of Education.

3 Q And what types of students are intended
4 recipients of Tier 2 services?

5 A Can we go back to the previous question
6 just for a second?

7 Q Sure.

8 A Through some -- like the Project AWARE
9 grant, we could provide some training and services
10 for schools, like for youth and health for state,
11 and those kinds of things. It's not direct funding
12 but through grants they could help get people in the
13 schools trained.

14 So after you -- after we kind of moved
15 from that question, I thought that could be
16 interpreted as funding if we helped with -- through
17 grants and stuff to get people trained.

18 And now ask that other question again.

19 Q Sure. What types of students are the
20 intended recipients of Tier 2?

21 A Yeah. So we kind of described those
22 matrices and those expectations and behaviors that
23 we expect to see and the skills that we're hoping to
24 develop so that they're able to meet.

25 For those students who aren't able to meet

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1 those expectations, that may need a little bit more
2 time or a little bit more support in order to meet
3 the expectations, those are the students that Tier 2
4 services are designed to help.

5 Q And so would that include a mixture of --
6 so would that include students in the general
7 education?

8 A Absolutely.

9 Q And would that include students with
10 special education needs?

11 A It very well could.

12 Q And where are Tier 2 services and
13 interventions provided?

14 A It could be across the entire school.
15 Like Check In Check Out, that's really -- it's
16 across the entire school.

17 Skill groups could be provided in
18 classrooms. They could be -- I've seen them
19 outside, sitting in small groups. I've seen them in
20 the counselor's office.

21 So depends on the school and kind of
22 what's available and what's the climate, what's the
23 culture.

24 Q So these -- so Tier 2 can be provided in a
25 general education school?

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1 A Absolutely.

2 Q And can it be -- and can Tier 2 be
3 provided in a general education classroom?

4 A Yes.

5 Q And what types of data might be used for
6 Tier 2?

7 A So we'll go back to the example of the
8 Check In Check Out. We have what's called a daily
9 progress report. So we set goals.

10 So if I have a goal of, you know, on being
11 respectful, my goal is to get the teacher's
12 attention, I'm going to raise my hand and I'm going
13 to do that 80 percent of the time. We have a daily
14 progress report, and so as I go through the day, the
15 teacher records, Jason was able to raise his hand in
16 my class 90 percent of the time.

17 So we collect that data over time. And so
18 what we're looking for in anything that we collect
19 around Tier 2 is, are the students developing the
20 skills that were targeted, you know, and the entire
21 reason they're getting that additional Tier 2 is to
22 develop the skill. Are they developing those
23 skills? And we try to collect that data around
24 that.

25 Q You mentioned Office Disciplinary

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1 Referrals with Tier 1. Is that also something you
2 would look at for Tier 2?

3 A Absolutely. Absolutely. If, if -- so by
4 definition students at Tier 2, when we take a look
5 at ODRs, are those students who have received
6 between two and five Office Disciplinary Referrals.
7 That is one way that we can identify students that
8 may need additional supports.

9 So we take a look at that. So, you know,
10 and we'll take a look. Have they gotten any more
11 office discipline referrals? Are they getting the
12 referrals for the same behavior or is it a different
13 behavior?

14 So, yeah, we would look at ODRs.

15 Q And what other data would you look at to
16 make sure that Tier 2 is effective?

17 A So they're individual data, discipline
18 data. You know, really at Tier 2 it's about that
19 student and those skills.

20 So it's really that individual data.

21 Q You said earlier that Tier 1 is for all
22 students, correct?

23 A Correct.

24 Q And you specified that you would look at
25 things like attendance records?

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1 A Sure.

2 Q In Tier 1, correct?

3 A Yes.

4 Q So when we move to Tier 2, should the
5 school be looking at both the attendance records and
6 what was described at Tier 1 and what's described as
7 Tier 2?

8 A That's right. Everything that you're --
9 you're continuing, and then you're layering
10 additional data.

11 Q What systems and practices would you
12 expect to see at Tier 3?

13 A At Tier 3 it's really that more intensive
14 one-on-one working with the student.

15 So as a administrator I may work with a
16 student one-on-one, or my counselor may work with a
17 student one-on-one. But it's really providing that
18 intensive support.

19 We may continue some of the things that we
20 were doing at Tier 2, but we may intensify the
21 frequency or the duration of whatever that
22 intervention is.

23 Q And are there examples of additional
24 interventions that don't exist at Tier 2 that are
25 used at Tier 3?

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1 A There are. So it may be that students
2 receive dialectical skills training at Tier 3 that
3 they may not have received at Tier 2.

4 So there definitely could be additional
5 interventions or strategies at Tier 3 that weren't
6 used at Tier 2.

7 Q What are dialectical skills trainings?

8 A Dialectical skills is that think, feel,
9 act cycle. So help identify --

10 Q Can you repeat yourself?

11 A Sure. Dialectical skills, the think,
12 feel, act cycle.

13 So training students to be able to
14 recognize what they're thinking because that's going
15 to be what they end up feeling, and that's going to
16 be how they act.

17 So we want to interrupt that cycle of --
18 if I'm having negative thoughts, how do I get that
19 out of my mind, and it gives us skills like
20 breathing skills, so that they're able to regulate
21 their emotions and hopefully be preventative and not
22 act out.

23 Q You mentioned before that school
24 administrators or school counselors might administer
25 those interventions; is that right?

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1 A That's correct.

2 Q Is there anybody else?

3 A They really could be administered by
4 anybody in the school. And then some school systems
5 have outside people come in, social workers may come
6 in and do it. Some people have specific behavior
7 specialists and they come in and do it. Some of
8 them are even ABA certified.

9 So we have seen in Georgia over the past
10 few years behavior specialists being hired in a lot
11 of schools, in a lot of districts. Some behavior
12 specialists are assigned one-on-one with a student
13 with some significant behavior concerns. Some are
14 allowed to do the groups, like we've just described.

15 So it's a wide variety.

16 Q You mentioned at Tier 3 a number of
17 possible people outside of the school providing
18 services. Who -- is that right?

19 A Correct.

20 Q Who would provide funding for those
21 services?

22 MS. JOHNSON: Object to form.

23 A The school district or the -- the school
24 district would be the ones that are responsible if
25 there were any additional incurred costs.

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1 Q Do you know how schools are connected to
2 those services or interventions?

3 MS. JOHNSON: Object to form.

4 A I don't. It's a wide variety. I can tell
5 you about my personal experience.

6 Q Sure.

7 A So when I was in the district, it was just
8 through building relationships with community
9 members, reaching out to community members and
10 seeking those relationships, developing
11 relationships and, you know, knowing that there's
12 somebody in a private practice that we can benefit.
13 Our local Community Service Boards provide a lot of
14 those services. So trying to build relationships
15 with them.

16 Write memorandums of understanding with
17 them so that they can come in and help our students.

18 Q And what types of students are the
19 intended recipient of Tier 3 services?

20 A Those students are the ones with some of
21 the most intense behaviors that we're trying to, to
22 help build skills with, and it's for the ones who
23 we've tried some of the skills at Tier 2 they
24 haven't been successful, so we're going to intensify
25 that support.

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1 And, again, it could be, it could be a
2 change in the strategy or intervention. We could be
3 using the same strategy or intervention but we're
4 going to do it more frequently. So maybe going from
5 two days a week to five days a week. Or going from
6 15 minutes a day to 30 minutes a day.

7 And so the frequency and the intensity
8 could increase, same intervention, and it will be a
9 Tier 3 intervention.

10 Q And what are the -- so you mentioned that
11 Tier 3 is for students with the most severe
12 behaviors, correct?

13 A Correct.

14 Q Can you provide some examples of what you
15 mean by most severe behaviors?

16 A You know, that they're -- maybe they're
17 constantly disruptive. Maybe they have difficulty
18 regulating emotions. Maybe it's escape behaviors,
19 leaving classrooms.

20 Some of those behaviors, like I mentioned
21 earlier, pose a safety risk or are so disruptive to
22 the learning environment that they're not able to
23 learn or they prevent other students from being able
24 to learn.

25 Having meltdowns in class, where they are

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1 angry or not -- you know, emotionally regulated.

2 Some of those are the more intense things
3 we're seeing.

4 Q And can students with disabilities receive
5 Tier 3 services?

6 A Yes, they can.

7 Q And can students without documented
8 disabilities receive Tier 3 services?

9 A Yes, they can.

10 Q And you mentioned a number of different
11 kinds of Tier 3 services and interventions. Where
12 are these provided?

13 A They're in the schools.

14 Q And where in the schools are they
15 provided?

16 A Any locations that we kind of discussed
17 earlier. That's school by school, what's available.

18 Some schools have empty classrooms, some
19 don't have empty classrooms. It's just -- it's
20 school by school.

21 Q You mentioned Tier 1 and Tier 2 services
22 can be provided in a general education school,
23 correct?

24 A Yes.

25 Q And that they can be provided in a general

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1 education classroom, correct?

2 A Correct.

3 Q Can Tier 3 be provided in a general
4 education school?

5 A Yes, it can.

6 Q Can Tier 3 be provided in a general
7 education classroom?

8 A When you say classroom, are you talking
9 about the physical environment of a classroom, or
10 are you defining that as classroom as in with 20, 25
11 kids?

12 Q Either.

13 A Okay. In the physical space, yes.

14 By definition, Tier 3 is more
15 individualized in its support. So it probably
16 wouldn't happen with a classroom filled with 25 or
17 30 kids.

18 Q Could it exist with pull-out support?

19 A Yes.

20 Q Could it exist with push-in support?

21 A Uh, I could see it with push-in support if
22 I know that I have a student there and I'm going in
23 to provide that kind of one-on-one support. I can
24 see that.

25 Q Just for the record, when I say push-in

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1 support, I mean a student is in a classroom with the
2 20 some-odd students you referenced and someone
3 comes into the classroom to provide those services.

4 A To provide the services or to monitor,
5 kind of to monitor and data collect, I could see
6 that being what would be appropriate for the
7 push-in.

8 Q What data is helpful at Tier 3 to review
9 for a school?

10 A Still collecting the same data that we
11 collected at Tier 1 and 2. Again, it's that
12 individualized data. That's really the most
13 important data.

14 How is the student responding to the
15 strategy or intervention, and are they meeting their
16 goals.

17 Q So you would look at ODRs?

18 A I would look at ODRs.

19 Q And things like attendance?

20 A Attendance.

21 Q And would you look at suspension rates?

22 A I would look at the individual suspension.
23 So you're not really looking at overall school rates
24 or things like that, but I'm really honing in on
25 that individual.

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1 Q Should the services and interventions
2 provided under Tier 1 be similar across schools?

3 A They should be --

4 MS. JOHNSON: Object to form.

5 Sorry. Object to form.

6 You can answer.

7 THE WITNESS: Thank you.

8 A They should be similar across schools.

9 Q And should they serve the same purpose
10 across schools?

11 MS. JOHNSON: Object to form.

12 A They should serve the same purpose across
13 the schools.

14 Q So you just said that Tier 1 services
15 should be similar across schools, correct?

16 A Correct.

17 Q Does that include different types of
18 schools?

19 A It does.

20 Q So, for example, should Tier 1 services be
21 the same at a public school serving general
22 education schools and an alternative school?

23 A That's correct.

24 Q And would Tier 1 services also look
25 similar at a GNETS school?

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1 A Very similar.

2 MS. JOHNSON: Object to form.

3 Q And you said very similar?

4 A They should.

5 Q Are there any ways that they would be
6 different?

7 A So every school is going to personalize
8 that based on their expectations, based on -- you
9 know, many schools tie those expectation their
10 mascots and their colors. So no schools look
11 exactly alike but the practices are similar.

12 We should see some of the same things in
13 every school. We should see expectations, we should
14 see matrices. It doesn't matter if it's a general
15 ed, alternative, GNETS site. It doesn't matter. We
16 should see those same practices at Tier 1.

17 Q In your experience as program manager at
18 GaDOE, did you see that Tier 1 services were the
19 same across schools in Georgia?

20 MS. JOHNSON: Object to form.

21 A Tier 1 services or practices?

22 Q Let's say Tier 1 services and practices.
23 Let me repeat the question.

24 In your experience as PBIS program manager
25 or program manager, did you see that Tier 1 services

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1 or practices were the same across schools?

2 MS. JOHNSON: Object to form.

3 A I definitely saw consistency. Levels of
4 and fidelity of implementation were not always the
5 same. Some schools did it better than others.

6 So were there schools that I walked in
7 that didn't have their expectations posted? There
8 were.

9 Do I know that those schools were trained
10 to do that? They were if they went through -- they
11 went through our training.

12 So that's why the service that we provide,
13 the training that we provided was consistent, but
14 that individual practice may not necessarily be the
15 same. And so we give that feedback.

16 MS. CHEVRIER: I'd like the court reporter
17 to mark this document as Plaintiff's Exhibit
18 675.

19 (WHEREUPON, Plaintiff's Exhibit-675 was
20 marked for identification.)

21 BY MS. CHEVRIER:

22 Q This is a PowerPoint for Hall Count
23 Schools, dated February 10, 2020, correct?

24 A It is.

25 Q And it starts with Bates No.

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GA00308255.001.

It lists you as the presenter, correct?

A Correct.

Q Are you also the author of this?

A I am.

Q Or created of this PowerPoint?

A I am.

Q And did you present this PowerPoint?

A I did.

Q Let's look at Slide 7.

And that's Bates No. GA00308255.007.

Do you see the PBIS pyramid?

A I do.

Q Can you explain how this pyramid is used
to describe the tiers of PBIS?

A Absolutely.

So the green part of the pyramid, that's
Tier 1. That's what all students receive.

The yellow part of the pyramid, that's
Tier 2. That's what we just described as those
students who need a little additional support and
are able to meet those expectations.

And the top of the red, that's Tier 3.
You know, here it's identified as tertiary
prevention, and that's those students who need that

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1 more intensive support.

2 Q Why is the green portion, which you just
3 said represents Tier 1, the largest portion of the
4 pyramid?

5 A Because what, what we know is that for 80
6 percent, and that green represents that 80, that 80
7 percent of our students are going to be successful
8 just with that Tier 1 supports.

9 The yellow represents that 15 percent who
10 will probably need additional support. And the five
11 represents that -- red represents that five percent,
12 or Tier 3, that's going to need the most intensive
13 support.

14 So we try and make those colors
15 representative of Tier 1, that's going to be
16 successful; Tier 3, who need additional supports;
17 Tier 3, who need daily supports.

18 Q Thank you.

19 A You're welcome.

20 Q Should the distribution of students in the
21 different tiers be similar across schools?

22 A They could be different.

23 Q Why? What would make them different?

24 A For example, in alternative setting, or a
25 GNETS setting, we know that those have students with

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1 some of the most intense behaviors, and so we know
2 they're going to need additional supports based on
3 their disability status.

4 So it could look differently based on who
5 -- what services. So we may have 100 percent of
6 students receiving additional supports.

7 Q So in a GNETS school, would you expect to
8 see more students receiving Tier 3 services?

9 A I would --

10 MS. JOHNSON: Object to form.

11 A I would, and I would -- I would.

12 MS. CHEVRIER: I'd like the court reporter
13 to mark this document as Plaintiff's Exhibit
14 676.

15 (WHEREUPON, Plaintiff's Exhibit-676 was
16 marked for identification.)

17 BY MS. CHEVRIER:

18 Q This is an email thread between you, Mr.
19 Byars, and Laura Simms and Sharlene Patterson, with
20 Linda Curry copied. Is that correct?

21 A Correct.

22 Q And it's dated November 18, 2019, correct?

23 A Yes.

24 Q Who is Lara Sims?

25 A Lara Sims, she was the school climate

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1 specialist for Middle Georgia RESA.

2 Q And who is Sharlene Patterson?

3 A Sharlene Patterson was our TA specialist
4 at the Georgia Department of Education who supported
5 Middle Georgia RESA.

6 Q And who is Linda Curry?

7 A I don't remember Linda's title, but she
8 was also down at Middle Georgia RESA, but I don't
9 remember Linda's title.

10 Q Do you recognize this email?

11 A I do.

12 Q Attached to this email is the district
13 Tier II Readiness Packet, correct?

14 A Yes.

15 Q And the Bates-stamp for that is
16 GA00305520. Correct?

17 A Correct.

18 Q Do you recognize this document?

19 A I do.

20 Q Who created this document?

21 A We had a Tier II team at the Georgia
22 Department of Education. I don't recall everybody
23 that was on that team, but the team at the Georgia
24 Department of Education when they were putting
25 together our Tier II training created the readiness

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1 document.

2 Q Why was it created?

3 A Because we were developing a Tier II
4 training, and the readiness packet is to see if
5 schools and districts are implementing with fidelity
6 Tier I, and are they ready for -- to be trained in
7 Tier II.

8 Q Let's look at Page 6 of this packet, which
9 is Bates No. GA00305525.

10 Do you see in the fourth box down with
11 text where it mentions an early warning system?

12 A I do.

13 Q What is an early warning system?

14 A Early warning system is anything that we
15 take a look at to let us know that there may be a
16 student that's at risk. ODRs is a perfect example.
17 How you look at your ODRs is a perfect example of an
18 early warning system.

19 Like I mentioned earlier, those students
20 who have two to five office disciplinary referrals,
21 those are students that we would identify as at
22 risk. So do they have a process for pulling that
23 data and taking a look? Are there some students
24 that are at risk?

25 Q So the early warning system is the process

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1 to review things like ODRs?

2 A Correct.

3 Q And do general education schools typically
4 use early warning systems?

5 A I would think it varies from school to
6 school.

7 Q Should they, if they are implementing the
8 PBIS framework?

9 A They should. They should look at that on
10 a monthly basis. We train that in Tier I, that you
11 meet on a monthly basis, and one of the things you
12 do is you take a look at your data.

13 Q Could students who are at risk of being
14 placed in a more restrictive setting be identified
15 through an early warning system?

16 MS. JOHNSON: Object to form.

17 A That's not what it's designed for.

18 Q What is the early warning system designed
19 for?

20 A To, to identify students who may be
21 showing behaviors that could put them at risk of
22 additional office referrals, additional suspensions.
23 It really is that preventive part to say, hey, let's
24 put eyes on these students. We see they've gotten
25 two referrals, and so we want to identify those

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1 students so we can say do we have those supports,
2 what's going on, what's going on in their lives that
3 we can support them.

4 Q So is it correct to say that it's designed
5 to locate concerning behaviors?

6 A It's more about identifying the student
7 than the behaviors.

8 Q So is it correct to say the early warning
9 system is useful for identifying students who might
10 need additional supports?

11 A That's accurate.

12 Q And do you see on this page where it
13 references in the last box, social-emotional
14 learning curriculum?

15 A I do. I'm sorry. Go ahead.

16 Q What is the social-emotional learning
17 curriculum?

18 A There's no one. So there's not a
19 social-emotional learning curriculum.

20 What this is referencing is do you have a
21 way when you identify small groups of students, like
22 we've talked about earlier, who may need
23 self-regulation skills. Do you have a curriculum?
24 Do you have a set of lesson plans? How do you teach
25 those skills?

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1 And that's what that is referring to.

2 Q Is it accurate to say the early warning
3 system can be used to identify students who need a
4 social-emotional learning curriculum?

5 A That's a perfect way to describe it.

6 Q How is it determined what tier of services
7 a student requires?

8 A So when we take a look at ODRs, students
9 with zero to one office referrals are at Tier I.
10 Students with two to five office referrals are at
11 Tier II. Students with six or more office referrals
12 are at Tier III. That's one way.

13 The other way may be through a referral
14 system or request for assistance. So as a teacher I
15 might refer a student to a counselor because maybe
16 the behavior is so intensive or maybe it lasts for
17 so long or it's so disruptive that I feel like they
18 need immediate attention.

19 So that's really the two ways we take a
20 look at their pattern of behavior, and then we take
21 a look at referrals and requests of assistance from
22 staff members.

23 MS. CHEVRIER: I'd like the court reporter
24 to mark this document as Plaintiff's Exhibit
25 678 -- Exhibit 677.

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1 (WHEREUPON, Plaintiff's Exhibit-677 was
2 marked for identification.)

3 BY MS. CHEVRIER:

4 Q This is an email from you, Mr. Byars, to
5 Anthony Feldmann and Sharlene Patterson, dated
6 February 5th, 2020. Correct?

7 A Correct.

8 Q And it's Bates No. GA00307145.
9 Do you recognize this email?

10 A I do.

11 Q Who is Anthony Feldmann?

12 A Tony is a TA specialist at the Georgia
13 Department of Education.

14 Q So is he one of the people who reported to
15 you?

16 A He is.

17 Q And attached is a PowerPoint presentation;
18 is that correct?

19 A It is.

20 Q And it starts with Bates No.
21 GA00307146.001.

22 Do you recognize this PowerPoint?

23 A I do.

24 Q Did you present this PowerPoint?

25 A I did.

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1 Q Can you turn to Page 3 of the PowerPoint,
2 which is Bates No. GA00307146.003.

3 What is MTSS?

4 A MTSS is a multitiered system of support.

5 Q And how, if at all, is that connected to
6 PBIS?

7 A PBIS is a multitiered system of support.
8 We've described Tier I, Tier II, and Tier III.
9 That's the definition of a multitiered system of
10 support.

11 MTSS, multitiered system of support, is
12 that overarching umbrella, and PBIS is an example of
13 a multitiered system of support.

14 Q And what was the purpose of this
15 PowerPoint?

16 A So it looks like, based on my email to
17 Toni, this was a presentation that I did with our
18 MTSS team. They had -- they have monthly webinars,
19 and I think this PowerPoint is one that I did when I
20 was invited to present to the MTSS coordinators for
21 around the State.

22 Q Can we turn to Page 8 -- or Slide 8 of
23 this PowerPoint, which is Bates No. GA00307146.008.

24 Do you see where it says "Screening" at
25 the top of this slide?

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1 A I do.

2 Q Do you see on the right-hand side where it
3 says "PBIS"?

4 A I do.

5 Q And do you see where it says "Office
6 Disciplinary Referrals"?

7 A I do.

8 Q Is this what you were referencing earlier
9 where it shows Tier I and then the number of office
10 disciplinary referrals that would categorize a
11 student to be in Tier I?

12 A That's exactly right.

13 Q And is it correct where it says Tier II
14 equals two to five, it would be two to five office
15 disciplinary referrals that would require a student
16 for Tier II services?

17 A That's correct.

18 Q And am I correct that Tier III equals six
19 plus, means that if a student receives six plus
20 office disciplinary referrals, they would be Tier
21 III?

22 A Correct.

23 Q Is there a time frame in which that would
24 happen? Like what is the time frame in which a
25 student would need six or more office disciplinary

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1 referrals?

2 A I don't understand that question because
3 student -- student needs zero office referrals.
4 They don't -- I don't understand the question.

5 Q Sorry. Let me explain.

6 My question, is it in one school year they
7 would have to have more than six disciplinary
8 referrals to be Tier III?

9 A Correct. Some schools take a look from
10 year to year. And so let's say the school year ends
11 and we have a student who just got their sixth
12 referral or seventh referral in April. A school may
13 that next year decide, hey, let's make sure that
14 that student gets those additional supports from the
15 very beginning and let's see if we can help continue
16 to build those skills.

17 But each school does that differently.
18 Some of them start over. Some of them continue on.

19 Q If Tier I is implemented with fidelity,
20 would you expect ODRs to decrease across the school?

21 A I would expect that.

22 Q And what is meant by "with fidelity"?

23 A So when we talk about implementing with
24 fidelity, PBIS, we talk about some of the things
25 we've already talked about. Do you have your

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1 expectations, are they posted, have you taught
2 those, do you model them, do you reinforce them, are
3 you -- have four to one positive to negative ratios
4 when you're talking with your students.

5 So there's a lot of factors that go into,
6 you know, fidelity of implementation.

7 Q Underneath where it says "Office
8 Disciplinary Referrals" on Slide 8 of this
9 presentation, do you see where it says "Teacher
10 Request for Assistance"?

11 A I do.

12 Q Is that what you referenced earlier as far
13 as another way a student could be identified for a
14 tier?

15 A That's exactly right.

16 Q And what would that look like if a teacher
17 requested assistance? How would that culminate in a
18 child being assigned to a different tier?

19 A School to school, that varies. Some have
20 informal process of me just coming to the counselor
21 and saying, hey, can you -- I'm worried about Jason.

22 Some have a formal process of actually
23 referring, but it's really school to school.

24 Q Do you see the third bullet point under
25 PBIS on this slide says "Universal Screener"?

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1 A I do.

2 Q We mentioned SRSS and SDQ earlier,
3 correct?

4 A We did.

5 Q So how are those used to identify what
6 tier a student should be placed in?

7 A Good question.

8 So those two screeners are behavior
9 screeners, and they each identify internalizing and
10 externalizing behaviors, and when we administer
11 those to screeners, what it lets us know is if
12 students have no indication of concern, a slight
13 indication of concern, or an elevated indication of
14 concern for internalizing or externalizing
15 behaviors.

16 So when we have -- that's another piece of
17 data, just like the attendance, the ODRs, clinic
18 visits, the other things that we mentioned. That's
19 another piece of data that we can take a look at to
20 say this student may be at risk.

21 So if they're elevated on an internalizing
22 and the externalizing scale, that would be an
23 indication of concern we would want to get
24 additional supports to that student.

25 Briefly, the difference between the two,

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1 the SRSS, Student Risk Screening Scale-IE stands for
2 internalizing and externalizing. Let's you know
3 both of these measure both.

4 The SRSS is generally a teacher rating
5 scale. The SDQ is generally a self-rating scale.
6 So the students rate themselves. More appropriate
7 at the secondary level. The SRSS more appropriate
8 at the elementary level.

9 Q Thank you.

10 Could the SRSS-IE and the SDQ-IE be used
11 to progress monitor the effectiveness of
12 interventions?

13 A Let me think about that.

14 I think they could, and let me tell you
15 how.

16 One of the things that we do with our
17 universal screeners is we take a look using that
18 same 20 percent threshold. So if I administer one
19 of the screeners and I see that more than 20 percent
20 of my students are elevated on the externalizing
21 scale, that may let me know I need to implement
22 intervention schoolwide because it's more than 20
23 percent.

24 So the next time when I administer that
25 screener and it's gone down and now only 17 percent

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1 are only elevated, I can use that to monitor that to
2 say, is our intervention that we're using working?
3 Well, based on our screening data, yes.

4 So I definitely used it in that way.

5 Q Do students move between the tiers as
6 their needs change?

7 A They do. And it's as needs change/as
8 skills get developed.

9 So what we want to see is if I'm working
10 on a skill at Tier II, once a student develops that
11 skill, we want them -- they'll be back at tier --
12 you know, at Tier I, and maybe not receiving those
13 interventions or strategies any longer. What we
14 hope is then they internalize that and they are able
15 to do that on their own and they're not having to
16 have that instruction.

17 Q How is that determined that a student's
18 tier should change?

19 A Each student, they have a goal set. So
20 the goal may be right now that we're able to use
21 attention signal. So instead of hollering out, I
22 raise my hand, or whatever the strategy is. I do it
23 70 percent of the time. Once we meet that goal, we
24 may bump it up, now we want you to do it 80, 80
25 percent of the time.

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1 So the school works with that student to
2 say what's the level at which we feel like this
3 student is being successful, and once they're able
4 to meet that and we review that data, then that
5 student no longer receives that intervention or
6 strategy. We hoped they developed that skill.

7 Q And how frequently should it be determined
8 whether the student has met those goals?

9 A We try to meet every two to three weeks to
10 review data. That's what we recommend for best
11 practices. Every two to three weeks.

12 Q When you say "we," who's the "we"?

13 A The team at the school. We mentioned that
14 PBIS team. That team is the one that reviews data.
15 And so the PBIS team at the school.

16 Q And so would they be reviewing the data
17 for all students when they meet?

18 A Not all students in the school. Only
19 those students who have been identified as needing
20 Tier II supports or Tier III supports. They do
21 continue to monitor school-wide data.

22 Q Let's go back to the Hall County
23 PowerPoint, which is Exhibit 675.

24 Can you look at Slide 8 of this
25 PowerPoint. And the Bates number for that is

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GA00308255.008.

Do you see on that slide where it provides the following definition of PBIS: "An evidence-based, data-driven decision-making framework for establishing the social culture and behavioral supports needed for a school to be an effective learning environment for all students and staff"?

A I see that.

Q And do you agree with that definition?

A I do agree with that definition.

Q We discussed a different definition earlier that focused on PBIS's three-tiered framework; is that right?

A Yes.

Q Do you agree with both definitions?

A I do.

Q Do you agree with one more than the other?

A So here the word "framework" is in red. To me three-tiered framework, framework, same thing. It makes no difference to me.

Q Got you.

And in this definition evidence-based is in bold; is that right?

A It is.

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1 Q And you created this PowerPoint?

2 A I did.

3 Q Why did you make it in bold?

4 A I think there's a lot of misconceptions
5 about what PBIS and what PBIS is not. So whenever I
6 present on PBIS, I make sure that I let my audience
7 know that this is an evidence-base, it's researched
8 backed framework. That it's not something that
9 someone put together without doing their due
10 diligence or research and evidence.

11 So it's really important to me when I
12 present to emphasize that.

13 The two things that you see,
14 evidence-based and framework, are the two key things
15 I want people to take away from this slide. One,
16 it's steeped in evidence; and, two, it's not a
17 curriculum, it's not something that you do, it's not
18 an intervention, it's not a strategy, it's not a
19 program. It's a framework.

20 So that's why those two are highlighted
21 and bolded in red.

22 Q Does PBIS rely on schoolwide data?

23 A It does rely on schoolwide data. It does
24 utilize schoolwide data.

25 Q How so?

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1 A So the schoolwide discipline data,
2 attendance data, we take a look at trends. We take
3 a look at where our problem areas are. Again, going
4 back to the Big Five Report, that's schoolwide data.
5 Where are these problems happening, what day are
6 they happening, what time are they happening.
7 That's all schoolwide data.

8 Q And how should that schoolwide data that
9 you just described inform the PBIS framework at a
10 school level?

11 A We use that data to drill down and develop
12 precise problem statements.

13 So when we look at that data, we drill
14 down in it and we go, okay, so if we're going to
15 solve some of the disciplinary issues at our school,
16 let's drill down on the data and let's find out
17 where it's really happening. What students? Is it
18 a six grade problem in the bathroom, in the morning?

19 And so we really try to drill down and be
20 precise so we can start problem solving using the
21 data.

22 Q Is it important to use baseline data?

23 A It is important to use baseline data.

24 Q What kind of baseline data would be used?

25 A Everything that we've mentioned today.

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1 The office disciplinaries is our No. 1. So are we
2 seeing a decrease in our office disciplinary
3 referrals? That's one of the measures.

4 Are we seeing a reductions in our
5 suspensions, in our expulsions, our days of ISS?
6 Because what we're trying to get to is, are students
7 spending more time in class than out of class, and
8 that's really the goal, because we know if students
9 are in class, chances are they're learning more,
10 they're getting educated, they're going to be better
11 prepared.

12 So what we try to do is drill down, help
13 some of those exclusionary disciplinary practices
14 that are putting kids out of class. So we establish
15 that baseline to say, are we getting better in those
16 areas? Are fewer students being suspended out of
17 school? Are fewer students missing class time? Are
18 administrators spending more time on instruction and
19 less time disciplining students?

20 All those are great baselines to establish
21 so we can measure progress, and it's one of our
22 fidelity measures. When I mentioned outcome data
23 earlier, those are all outcome data measures that we
24 establish from a baseline.

25 Q Thank you. And we'll get -- we'll talk

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1 more about that shortly.

2 What data systems for the collection of
3 data do schools typically use?

4 A The primary thing that they use is their
5 own Student Information System. That varies from
6 school to school. Infinite Campus is one of the
7 most popular. Infinite Campus.

8 So that's one of the most popular. It's
9 not the only one. We also train schools using SWIS.
10 And you're going to ask me what SWIS stands for,
11 aren't you?

12 Schoolwide Information System, I think.

13 And it's a data collection platform that
14 helps us to also focus on major referrals, minor
15 referrals. So things that may be slightly
16 disruptive but we know if we can problem solve
17 around some of the little things, the big things
18 won't happen.

19 It also helps us to problem solve around
20 what we perceive the function of the behavior is,
21 which a lot of school information systems don't do.

22 Our policy is to require the schools to
23 use SWIS in Year 1, and then they choose later if
24 they want to use it or not. And what we really are
25 using that for is the training mechanism to teach

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1 them how to drill down into data, to do exactly what
2 we kind of just described.

3 Q And how are schools provided those data
4 systems?

5 A The schoolwide -- the systemwide, that's
6 the district, they choose that. So whatever that
7 process is for each district. I don't know.

8 Q So who pays for the systems for the
9 districts?

10 MS. JOHNSON: Object to form.

11 A I can't speak for that. I don't know.

12 Q And is your review of the schoolwide data
13 that you just described a critical element of the
14 PBIS framework?

15 A It's one of the most important things that
16 we do.

17 Q So if a school is not reviewing their
18 schoolwide data, would you be concerned about their
19 implementation of PBIS framework?

20 A I would, and I would coach them on how to
21 do that.

22 Oftentimes, they don't know how. You
23 know, it's sometimes a foreign practice. That's why
24 we model that and train on SWIS. Because we want
25 you to learn how to do it.

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1 Q In your experience, do schools typically
2 collect data with fidelity?

3 A They do.

4 Q And in your experience do schools
5 typically review their schoolwide data with
6 fidelity?

7 A You know, we've got more than 1,500
8 schools implementing in the State. I've been in
9 less than five percent of those. It's hard for me
10 to speak to every school.

11 Q Does PBIS rely on student specific data?

12 A Well, the ODRs are student specific.

13 Q So if I were the principal of a school
14 that's implementing the PBIS framework, I would look
15 at ODRs both schoolwide and look at student specific
16 information?

17 A Yes.

18 Q And is it the same data systems used to
19 track schoolwide data and student specific data?

20 A In my experience it is. My experience has
21 been in the districts that I've worked with Infinite
22 Campus, and so I can pull schoolwide data and I can
23 pull individual data. But, you know, other student
24 information systems that I'm not familiar with, you
25 know, I don't know if they -- how they handle that.

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1 But I would imagine they can drill down
2 into individual data because it's the individual
3 data that makes the cumulative schoolwide data.

4 Q Thank you.

5 What is applied behavioral analysis?

6 A I don't have an answer.

7 Q Are you familiar with applied behavioral
8 analysis?

9 A I am.

10 Q How, if at all, does behavioral function
11 play a role in designing interventions for students?

12 MS. JOHNSON: Object to form.

13 A I think if we can identify the function of
14 the behavior. Some interventions and strategies
15 work well for some functions but not well for
16 others.

17 Q Is there any level of education or
18 experience that someone needs in order to provide
19 ABA services?

20 A I have no idea.

21 Q Is adopting the Georgia PBIS framework
22 required for Georgia public schools?

23 A No.

24 Q Is it encouraged at all?

25 MS. JOHNSON: Object to form.

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1 A I encourage it.

2 Q So my next question is, who's encouraging
3 it? So you are encouraging it. Who else?

4 A The PBIS team at the DOE, I know they
5 encourage it. School climate specialists across the
6 State are encouraging it.

7 I would think a lot of our schools that
8 are implementing are encouraging it.

9 Q And how is it encouraged?

10 A I think really it's that face-to-face --
11 like for me it's face-to-face, word of mouth,
12 building relationships, being available, answering
13 questions, having a statewide conference that
14 informs people.

15 Q What factors influence whether a school
16 adopts PBIS, in your experience?

17 A Oftentimes, it's about leadership. So I
18 think one of the biggest factors sits in the office
19 of the superintendent of the district.

20 I think leadership is probably the No. 1
21 thing. It's the No. 1 thing that at the DOE we say
22 you have to have that administrator buy in for it to
23 be effective because it has to be supportive.

24 I think also people -- schools and
25 districts look at their discipline data, and they

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1 go, this could be better, what can we do to improve
2 it.

3 So I think that's another big factor.

4 Q Do you recall any discussions at GaDOE
5 about the possibility of making PBIS implementation
6 mandatory?

7 A I don't remember really discussions to
8 make it mandatory. The discussion was always we
9 don't want to make it mandatory because oftentimes
10 when you make things mandatory, people are going to
11 resist it just because you made it mandatory.

12 We always say we work with the living and
13 we work with those people who want and need our
14 services, because we find we have better buy-in,
15 therefore we have better implementation, better
16 fidelity, better results.

17 Q Why would a district choose not to
18 participate?

19 A I have no idea.

20 I'm sorry. I have no idea.

21 Q And are there any incentives to try to get
22 districts to participate, outside of the statewide
23 conferences that you just referenced?

24 A There used to be on the Georgia School
25 Climate Survey. If you were an implementing PBIS

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1 school, you got some bonus points on the Star
2 Climate Rating, but we don't use the Star Climate --
3 I guess we're -- I guess we're still not using it.

4 So that is no longer really an incentive.

5 Q What would you suggest GaDOE could do to
6 increase the number of schools implementing PBIS?

7 A Honestly, I don't know that a goal should
8 be to increase numbers. I've never really been
9 about that.

10 I think the goal is to meet people where
11 they are and meet their needs. So I'm not at the
12 DOE anymore, so I'm not -- I don't really have an
13 opinion there.

14 But numbers really was not ever a thing
15 for me.

16 Q Is implementation done differently for
17 PBIS at an elementary school level compared with a
18 secondary or high school level?

19 A Different in that you want your lessons,
20 your expectations to be age-appropriate.

21 An example, we encourage schools to hang
22 their matrices at eye level for students. So you
23 can imagine in an elementary school those are hung
24 at a lower level so that they're eye level for
25 elementary age kids, versus in the middle and high

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1 school, they are up a little bit higher.

2 That's a simple example, but the
3 expectations in the bathroom, those are going to be
4 different in an elementary school than a secondary
5 school.

6 The similarity is the process, the
7 development, but you have to adopt it to your
8 age-group.

9 MS. CHEVRIER: Is this a good place to
10 stop?

11 THE VIDEOGRAPHER: The time is 12:24 p.m.,
12 and we are off the record.

13 (A luncheon recess was taken.)

14 THE VIDEOGRAPHER: The time is 1:17 p.m.,
15 and we are on the record.

16 BY MS. CHEVRIER:

17 Q Hi, Mr. Byars?

18 A Hello.

19 Q Let's refer back to the implementation
20 process packet that we marked as Plaintiff's Exhibit
21 673 -- sorry. 674.

22 Can you turn to the top of Page 4, please.

23 At the very bottom do you see where it
24 states: "District Implementation"?

25 A I do.

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1 Q Is it your understanding that this
2 document provides the steps for a district to
3 implement the PBIS framework in Georgia?

4 A That's correct.

5 Q Let's turn to the next page.

6 Do you see where there are different
7 numbers in gray circles?

8 A I do.

9 Q Is it your understanding these indicate
10 the different steps to implement PBIS framework in
11 Georgia?

12 A That's correct.

13 Q Who follows these steps? Is it a school
14 district?

15 A It is the school district. If you look
16 back on Page 4, this is the district implementation
17 steps.

18 Q And is PBIS adopted at the district or LEA
19 level, or at the school level?

20 A It's adopted -- we like for it to be
21 adopted at the district level. There have been some
22 times where we've started with the school who wanted
23 to pilot it. But ideally what we want, we want a
24 district commitment because they -- one of the
25 things we asked for is a district coordinator who

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1 helps coordinate the trainings for all the schools,
2 and so the implementation -- we really want it to be
3 district wide.

4 Q Under Step 1, do you see where it says --
5 after providing reading materials it says: "Connect
6 with the GaDOE School Climate School Specialist or
7 the RESA SCSS & schedule an initial PBIS Info
8 Meeting"?

9 A Yes, ma'am.

10 Q What does SCSS stand for?

11 A That's a new acronym since I left. I
12 think it stands for School Climate Support
13 Specialist.

14 Q And are you familiar with the role that
15 those play?

16 A I hold that role at Northeast Georgia
17 RESA, so yes.

18 Q And can you describe what you and they do
19 in that role?

20 A Sure. What we're really about is one
21 being a liaison between the districts and our RESAs
22 and the Department of Education. And we also
23 support the Department of Education in trainings and
24 professional learnings. And really a bulk of what
25 we do is that hands-on coaching and walking beside

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1 the districts and the schools in their PBIS
2 implementation.

3 Q Is it correct you said you report to the
4 executive director for the RESA?

5 A That's correct.

6 Q Is it your understanding that SCSS
7 typically reports to the executive director of their
8 RESA or superintendent of an LEA?

9 A I don't know the answer to that for all 16
10 RESAs. I just don't know.

11 Q Does every RESA have a designated SCSS?

12 A They do.

13 Q And so what circumstances would school
14 districts to meet with RESA SCSS versus a GaDOE
15 school climate program specialist?

16 A They're really -- they go hand and hand.
17 Sometimes it may just be a scheduling. Maybe I can
18 get to a school climate specialist a little quicker
19 than I can get to the DOE TA person.

20 Typically, the school climate specialists
21 are located in that area and the DOE TA specialists,
22 they live all around our state. So they're not
23 geographically located like the school climate
24 specialists.

25 Q Are you familiar with the GaDOE school

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1 climate specialist role?

2 A I am.

3 Q Can you describe what they do?

4 A Those are -- well, what were previously
5 known as TA specialists that we talked about today,
6 and their role is to support the RESAs.

7 Q And they report to the program manager in
8 the position you used to hold?

9 A That's correct.

10 Q Are you familiar with the type of
11 information that either the GaDOE school program or
12 the RESA, SCSS, provide during the initial PBIS
13 meetings?

14 A Yes.

15 Q And what information is shared?

16 A Much of that information is making sure
17 that the districts understand what the commitment to
18 PBIS means, what the training looks like, what
19 readiness looks like. Do they have things in place?
20 Are they really -- are they ready to commit? Do
21 they have a district coordinator? Is the
22 superintendent on board?

23 Goes back to those leaders have to be on
24 board. So getting those commitment letters, setting
25 up training schedules.

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1 Q Is any other support provided by GaDOE
2 during Stage I?

3 A Is any other support provided by GaDOE at
4 Stage I?

5 That's really that exploration phase -- I
6 mean so the DOE is really there to answer questions,
7 meet with you. It's really that exploration phase.
8 So it's not until we kind of get through that phase
9 that trainings and those kinds of things happen.

10 So not to -- not typically at that point.

11 Q Can you think of any not typical time that
12 more support was needed?

13 A That's what I was kind of trying to kind
14 of think about is when would a time -- being that we
15 would have gone in and done that. Now, keep in
16 mind, I was a program manager starting in 2019.
17 This work started in 2008. So it's hard for me to
18 say, but I can't think of a -- I can't think of an
19 example where we did something like that. That I
20 did anyway.

21 Q Do you see No. 2, Step 2, where it says
22 "Making a Commitment to Georgia PBIS"?

23 A I do.

24 Q And do you see underneath where it says
25 "GaDOE PBIS District Agreement?"

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1 A I do.

2 MS. CHEVRIER: I'd like the court reporter
3 to mark Plaintiff's Exhibit 678.

4 (WHEREUPON, Plaintiff's Exhibit-678 was
5 marked for identification.)

6 BY MS. CHEVRIER:

7 Q Let's look at the last page of this.
8 Do you see where it says "PBIS District
9 Implementation Agreement"?

10 A I do.

11 Q Do you recognize this document?

12 A I do.

13 Q This document has a location for the
14 superintendent to sign. Is that right?

15 A That's correct.

16 Q What purpose does this document serve?

17 A What we really want is to, one, so that --
18 oftentimes we want to make sure, one, the
19 superintendent is aware that people have reached
20 out.

21 The other thing is we want to make sure
22 that that superintendent's committed to the
23 implementation and the fidelity of implementation of
24 PBIS.

25 Q Once a superintendent signs this

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1 agreement, are they required to move forward with
2 implementing PBIS?

3 A At any time if a superintendent says we've
4 decided not to, whether they've signed this or not,
5 we can't require anything.

6 So if a superintendent says we've changed
7 our mind, then we wouldn't follow -- continue on.

8 Q Once a superintendent signs this
9 agreement, what, if anything, are they required to
10 do next?

11 A So the -- really, the superintendent,
12 depending on how hands-on the superintendent is, you
13 know, we set up -- we start with our initial
14 trainings, and the superintendent may or may not
15 attend those trainings. We've had systems where
16 they have and systems where they haven't.

17 We love it when superintendents come
18 because we want them to be aware from the ground up
19 kind of what PBIS implementation looks like.

20 A lot of them have an idea but they really
21 don't fully understand until you go through the
22 training. You know, that's true for -- no matter
23 they're superintendent, a principal or a teacher.
24 Getting that training is really important.

25 MS. JOHNSON: I don't mean to interrupt.

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1 This document is not Bates-stamped, right?

2 MS. CHEVRIER: That's correct.

3 MS. JOHNSON: Thank you.

4 BY MS. CHEVRIER:

5 Q Let's go back to the Georgia PBIS
6 Implementation Process Packet, Exhibit 674.

7 Do you see under Step 2, and this is on
8 Page 5 of the document.

9 MS. CHEVRIER: Which is also not
10 Bates-stamped.

11 MS. JOHNSON: Thank you.

12 Q Do you see under Step 2 where it says:
13 "Explore Schoolwide Information Systems? (SWIS)"?

14 A I do.

15 Q And this -- and then it says "Year 1
16 school implementation," correct?

17 A Correct.

18 Q We've talked a little bit about what SWIS
19 is. Can you let me know, how is SWIS connected to
20 the PBIS framework?

21 A So the -- all the conversation we've had
22 around data collection. SWIS is an information data
23 collection system, and it's specific to Office
24 Disciplinary Referrals, major and minor infractions.

25 So it's a place where that type of data is

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1 entered so that we're able to problem solve around
2 it.

3 Q In your experience, is SWIS an effective
4 tool for gathering the data necessary to implement
5 PBIS with fidelity?

6 A It's very effective.

7 Q And how would -- how does SWIS -- sorry.
8 How does SWIS maximize effectiveness?

9 A The most important thing about SWIS is the
10 training that districts and schools receive. That's
11 where the -- that's where the real magic is, is it
12 trains leaders, teachers, assistant principals, your
13 data person, on really how to drill down into data,
14 how to collect and drill down into data.

15 Q Is it also helpful not just for collecting
16 data but for reviewing that data?

17 A Very helpful.

18 Q In your experience, is SWIS easy to use?

19 A Is it easy to use? It's a new way of
20 collecting and entering data. Easy -- it's hard to
21 define easy. Learning anything new has challenges,
22 and so it does require training.

23 Q Are Georgia schools that adopt the PBIS
24 framework required to use SWIS?

25 A So prior to me coming to the DOE, that was

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1 a requirement. There are -- were incidents where
2 people, for a wide variety of reasons, maybe
3 financially they couldn't afford it, or -- that we
4 would make concessions.

5 I can't think of a specific example, but I
6 do remember us having those conversations around
7 should we continue to have SWIS be mandatory.

8 Q Why would a school stop using SWIS?

9 A Um, the No. 1 reason that we hear is it's
10 double entry. So you have to enter that data into
11 your Student Information System, like Infinite
12 Campus, and enter into SWIS. And so somebody has to
13 do double entry. The No. 2 reason is there is a
14 cost associated with it.

15 So those are really the top two reasons
16 why people stopped using SWIS.

17 Q How is SWIS paid for for school districts?

18 A I don't -- I don't know. Different
19 funding sources in different school systems.

20 Q Does GaDOE pay for SWIS for school
21 districts?

22 A No.

23 Q Can we turn to page -- I guess we're still
24 on Page 5 of the implementation agreement. Can we
25 look at where it says Step 3.

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1 And do you see where it says: "Identify
2 the District Community Leadership Team"?

3 A Yes.

4 Q What is the District Community Leadership
5 Team?

6 A So the District Community Leadership Team,
7 just like we have the team at the school that
8 oversees implementation in that school, your
9 district team oversees implementation of PBIS in all
10 the schools in the district.

11 Q And do you see underneath -- we're now on
12 Page 6 -- where it says there are two branches of
13 the same team, the district -- the DCLT has two
14 branches of membership?

15 A I do.

16 Q Do you see where it says "Executive
17 Branch"?

18 A I do.

19 Q What is the executive branch of the
20 District Community Leadership Team?

21 A So those are -- your members of your
22 district team who have oversight over -- things like
23 your budget, your superintendent, and the
24 decision-making people are over that. So anything
25 to do with policy issues, budget issues. That's

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1 that executive team.

2 Q Does the executive team receive training
3 on PBIS?

4 A That varies from system -- from district
5 to district. Some members attend training with
6 their schools and some don't. But it's not a
7 requirement.

8 Q And does GaDOE provide support in setting
9 up these executive branches of DCLTs?

10 A Coaching is how I would best describe
11 that.

12 Q What kind of coaching?

13 A Coaching on who should be on that team.
14 You know, try to get your superintendent on there,
15 try to get whoever your CFO is on there, your
16 personnel people.

17 So like we try to coach on who should
18 really be on that district team.

19 Q Do you see where it says "Implementation
20 Branch"?

21 A I do.

22 Q What is the implementation branch of the
23 District Community Leadership Team?

24 A So -- I'm sorry.

25 So that is the actual how we're going to

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1 roll out PBIS. That team. So that will be some of
2 your principals, that will be some of your coaches.
3 So the actual implementation of PBIS. So different
4 than the policy part, but actually boots on the
5 ground, doing the work part.

6 Q And is it important to include academic
7 coaches in the implementation team?

8 A If you have academic coaches, I think that
9 would be beneficial.

10 Q Are therapeutic service providers ever
11 include on the implementation team?

12 A It varies from system to system, I'm sure.

13 Q And how are these individuals provided
14 training?

15 A Same as the schools. You know, if they
16 come through district, the district training when we
17 train the schools.

18 And, again, school climate specialists and
19 the GaDOE team members provide that coaching and
20 support to them.

21 Q Do you see the last paragraph on Page 6
22 where it says "Communication Loop"?

23 A I do.

24 Q What is the communication loop?

25 A The communication loop is a term that

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1 really just describes to make sure that everyone on
2 the district leadership team on both sides, that we
3 know what's going on, that we hold regular meetings,
4 at least twice a year so that we're able to
5 communicate the vision, we're able to communicate
6 back to the executive team what's going on, how
7 mentation is going in the schools, what the needs
8 are financially, HR-wise.

9 Q Do you see where it says the Executive
10 Committee is responsible for removing barriers?

11 A I do.

12 Q What, in your experience, what kind of
13 barriers do schools face when implementing PBIS?

14 A Some of the budget, if there's any cost
15 associated. Time, having time for training, having
16 time for coaching.

17 Those are two big ones.

18 Q In your experience, how do schools work to
19 overcome those barriers?

20 A A lot of times it's partner -- as far as
21 budget concerns, partnering with community partners
22 and letting them help them out. Donations,
23 partnerships.

24 And then the time is the big one because
25 it's just -- especially at the school level, it's

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1 hard to find common time for people to meet. So you
2 end up doing it after hours.

3 Some districts have provided a stipend for
4 their coaches, some have provided an extra planning
5 period to help kind of offset some of those time
6 barriers. People are creative in how they do it,
7 and all the districts we serve it probably is a
8 little bit different in every one.

9 Q Going back to SWIS for a moment, can SWIS
10 help school staff see whether or not students are
11 making progress towards their goals?

12 A Very similar -- yes, very similar to the
13 way it is when we drill down even in IC.

14 Q By IC, do you mean Infinite Campus?

15 A I do. Because you're able to, one, see
16 that data as an aggregate, but you're also able to
17 disaggregate that data down as well to see, hey,
18 from November last year to November this year we see
19 our tardies have decreased. So you're able to
20 monitor progress over time.

21 Q So if -- would SWIS help you identify if a
22 student is not meeting their goals?

23 A Individual student or group of students?

24 Q Individual students.

25 A If you pulled an individual student report

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1 out of SWIS or out of Infinite Campus, I mean you
2 could see if their ODRs are increasing.

3 It depends on if you enter the data from
4 like their daily progress reports. So if I'm
5 monitoring a student's progress on their daily
6 progress reports, if I enter that in IC, Infinite
7 Campus, or SWIS, then it could. But you have to
8 enter it in order to determine if you're -- does
9 that make sense?

10 Whatever you want to be able to monitor
11 you have to enter.

12 Q Is it best practice to monitor that kind
13 of data?

14 A It is.

15 Q And so if that data is being entered into
16 SWIS, SWIS can help identify if a student is not
17 meeting their goals?

18 A It can.

19 Q Can SWIS be used to help identify students
20 who might be at risk of serious behaviors?

21 A It could. Very similar with the way we do
22 it in Infinite Campus. Taking a look at those
23 office disciplinary referrals.

24 Q So can SWIS also be used as a tool to help
25 identify students who might be at risk of meeting a

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1 more restrictive setting?

2 A Um, it could. If you're taking a look at
3 some of the major behaviors that you've entered in
4 there and you see a pattern of major behaviors, that
5 could be an indication that student may need
6 additional services.

7 Q Let's turn to Step 4 of the Implementation
8 Agreement, which is on Page 7.

9 Do you see where it says "Setting
10 priorities and Improving Systems"?

11 A I do.

12 Q And it includes using the District Systems
13 Fidelity Inventory tool to self-evaluate and build
14 action steps, correct?

15 A Correct.

16 Q Are you familiar with the District Systems
17 Fidelity Inventory?

18 A I am.

19 Q If I refer to it as DSFI, do you know I'm
20 referring to the District Systems Fidelity
21 Inventory?

22 A I do.

23 Q What is the DSFI?

24 A So the DSFI is a tool that the districts
25 take, and each area of implementation has

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1 indicators. And so it's a rating scale. And so the
2 district goes through and rates where they are on
3 implementation.

4 And the fidelity part about that is how
5 well are we implementing. So not in place, fully --
6 partially in place or fully in place.

7 Q And when we say how well we are
8 implementing, we mean implementing PBIS?

9 A Correct.

10 Q Does GaDOE require that the DSFI is used?

11 A The DSFI is not required but we do
12 strongly encourage it and we promote it as best
13 practice.

14 Q Can school districts implement PBIS
15 without ever using the DSFI?

16 A They could.

17 Sorry.

18 Q Let's look at Step 5 on the same page. Do
19 you see where it says "School Investigation
20 Criteria"?

21 A I do.

22 Q And it says: "The DCLT will develop
23 criteria in partnership with the GaDOE School
24 Climate Program Specialist and the RESA SCSS to
25 identify which schools will become demonstration

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1 sites for PBIS"?

2 A Yes.

3 Q And then it says: "It is recommended that
4 you begin with a small number of sites (1-3)
5 depending on the size of the district." Correct?

6 A Correct.

7 Q In your experience, what are some of the
8 criteria chosen to help determine which schools will
9 be PBIS demonstration sites?

10 A The first and most important thing is the
11 willingness of the principal. That really is
12 paramount to success.

13 If you don't have a principal that's
14 bought in or leadership that's bought in, it's
15 probably not going to be successful. So that's No.
16 1.

17 Two is schools who have demonstrated a
18 need, maybe they have some behavior concerns and
19 they're really motivated to improve things, they've
20 got some problems with climate. Maybe their Star
21 Climate Rating, back when we were doing that, maybe
22 that was lower than they wanted. They were
23 motivated.

24 So leadership and motivation are really
25 the two things that determine that.

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1 Q And why does PBIS implementation start
2 with just a few sites?

3 A We like to refer to those as pilot sites.
4 What you want to do is you want to start small and
5 then build on that. Resources is a big thing. So
6 if we start small, we feel like we have enough
7 resources and enough coaching.

8 We also kind of learn and start
9 understanding the community, the districts, their
10 policies, how they operate. And that's easier to do
11 on a small scale. It's easier to scale up than it
12 is to start really big and try and support, you
13 know, a large implementation.

14 Q Let's look at Step 6, on Page 8.

15 Do you see where it says "Implementation
16 and Scaling Up"?

17 A I do.

18 Q It says that "PBIS begins with school
19 teams being trained in Tier I." Correct?

20 A Correct.

21 Q How does Tier II build off of Tier I?

22 A How does Tier II build off of Tier I? Are
23 you talking like operationally? Like we hold Tier I
24 training and then Tier II training?

25 Q Yes.

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1 A So Tier II really -- each one of our
2 trainings come at the request of the schools or
3 district. So sometimes it's need based. So when
4 they feel like they really need some Tier II
5 training, they'll come to us.

6 Sometimes it's, hey, we've been
7 implementing Tier I for a certain number of years,
8 we need to add Tier II. And the data is indicating
9 that we have, you know, 40 percent of our kids at
10 Tier 2, we need to get trained on that.

11 So it's a combination of things but it's
12 really about that relationship and that partnership
13 between the Georgia Department of Education, the
14 RESA school climate specialist, and the district
15 coordinator, really working together to say when are
16 we ready for Tier II implementation.

17 Q And how is it determined when a school is
18 ready for Tier II implementation?

19 A It's most -- generally it's at the request
20 of the school.

21 Q And what about Tier III?

22 A So Tier III training, which has not been
23 rolled out officially yet, they have developed the
24 Tier III training and it's been presented to the
25 department team for feedback they're going to pilot

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1 it in a few sites and it will be ready for rollout,
2 but very similar -- it's going to be a similar
3 process. It will be at the request of the school or
4 district.

5 Q Let's refer back to the Tier II Readiness
6 Packet. I believe it was Plaintiff's Exhibit 676,
7 and it was an email and then inside that email there
8 was the attachment of the Tier II Readiness Packet.

9 Can you look at Page 4 of this packet,
10 which is Bates-stamped GA00305521.

11 Do you see where it says "Tier II
12 Prerequisites"?

13 A I do.

14 Q Does this mean that each of the below
15 items must be complete or fulfilled prior to a
16 school implementing Tier II?

17 A I think that having Tier I in place and in
18 place with fidelity gives a good foundation for Tier
19 II, and so I think that's why some of these criteria
20 were set, to make sure that some of those
21 foundational pieces are in place.

22 Q And how does it provide a good foundation?

23 A Well, we know if, if we can take a look at
24 our self-assessment scores and the faculty is bought
25 in, it's easier to build on that.

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1 If we take a look at our tier fidelity
2 inventory at the school, which is the school version
3 of the DSFI, the TFI, and we take a look that the
4 team says these, these systems are in place, now we
5 have something to build on.

6 It's just like building a house. If you
7 don't have that good foundation, the rest of it is
8 going to crumble, and we feel that's the same way.
9 Having a good solid Tier I is important to add Tier
10 II on top.

11 Q So do schools need to have Tier I in place
12 in order to build a Tier II?

13 A There's conflicting opinions about that.
14 One opinion is that, yeah, you need to have fully
15 implemented Tier I in place before you can do Tier
16 II.

17 The other train of thought is our students
18 have Tier II needs now, so how do we meet those
19 needs now. We don't have time to wait three years
20 to fully implement Tier I and add Tier II, like we
21 have needs now.

22 So there's really two different trains of
23 thought out there.

24 I'm personally more inclined to the train
25 of thought of our kids need the services now, and so

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1 PBIS at the national level has really seemed -- has
2 shifted. Instead of saying implement Tier I, get it
3 done with fidelity, and then add on, it's really how
4 do we build the entire system from the ground up as
5 we're implementing how do we do Tier I, Tier II, and
6 Tier III from the beginning to make sure all kids
7 get those supports.

8 Q Based on the implementation packet that we
9 were reading, is it correct to say that GaDOE is
10 following that other model, of first building Tier
11 I, then Tier II, and then Tier III?

12 A I think that's fair.

13 Q Looking at the Tier II Prerequisites
14 document, is it fair to say that according to this
15 document schools must have Tier I in place that
16 effectively supports the majority of students before
17 they build Tier II?

18 A I think that accurate -- that accurately
19 reflects that, yes.

20 Q And is whether or not a school has a Tier
21 I in place measured by -- that's effectively
22 supporting a majority of students measured by 85
23 percent or more of students in the zero to one ODR
24 range?

25 A That's a measure. You know, there are

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1 several measures. Your TFI scores, your SAS scores.
2 That's what we call the percentage of students at
3 Tier I. So that's a measure.

4 So there's a wide variety of measures.

5 Q What happens if a school is not able to
6 meet these Tier II prerequisites?

7 A I'm sure if I'm the school climate
8 specialist in Northeast Georgia and I have a school
9 that they're demonstrating that need but they don't
10 have 85 percent of the students at Tier I, my
11 argument is going to be that's showing a need. I
12 can't get my -- I can't get 85 percent of mine at
13 Tier I. I need those Tier II services, which means
14 I have more than that percentage at Tier II that
15 need those services. I need the training.

16 And so it's going to be one of those times
17 where we work with that relationship, and I go to my
18 DOE TA person and say, here's, here's why we really
19 need Tier II more so.

20 Q If a school is not able to fulfill these
21 prerequisites, are they provided additional support?

22 A That's a great point. That's the whole
23 key to coaching, is this is where we want to get
24 them to. And some schools, it takes less than a
25 year, some schools it takes years.

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1 You know, the coaching is really where --
2 what I tell people the magic is about PBIS is. It's
3 not you're trained, go and do it. It's you're
4 trained and I'm going to walk beside you and we're
5 going to do it together.

6 So get to these criterias is a
7 partnership, and it's the coaching is where all that
8 happens.

9 Q Who provides that coaching?

10 A The Georgia Department of Education, the
11 TA specialist, the school climate specialist, the
12 district coordinators.

13 Q Have you ever experienced a situation in
14 which a school even with support is not able to
15 reach these prerequisites?

16 A Sure. You know, we have schools that, you
17 know -- I can't name them off the top of my head,
18 but have been recognized at the installing level for
19 years just because they can't get that outcome data
20 up to where it needs to be.

21 Q And what happens in that case as far as
22 PBIS implementation is concerned?

23 A Support continues, coaching continues.

24 Q Would the school never be allowed to
25 implement Tier II?

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1 A I don't think so. I think that's a
2 perfect example of a school that needs Tier II
3 supports.

4 Q If a school is not able to fulfill the
5 prerequisites on this document for Tier II, is it
6 possible that they won't ever implement Tier II?

7 A You'll have to ask the DOE that question.
8 I mean I know my opinion, but it's not my decision
9 anymore.

10 Q Have you seen schools that have stalled
11 out after just Tier I implementation and haven't
12 gotten to Tier II implementation after many years?

13 A I can't name an example.

14 Q Do you have any sense of how many schools
15 that have started the implementation for PBIS have
16 not yet achieved Tier II?

17 A I don't.

18 Q Is it fair to say that a school may
19 attempt to reach Tier II for as long as 10 years but
20 not successfully get to Tier II?

21 MS. JOHNSON: Object to form.

22 You can answer.

23 A So schools don't really attempt to get to
24 Tier II. What you see here is what we establish as
25 Tier I with fidelity.

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1 So if you're asking do schools implement
2 for years and not get to Tier I with fidelity,
3 sometimes that happens. Or sometimes they'll reach
4 it and then the next year they'll not reach it.

5 Q So based on this model that GaDOE is
6 endorsing as far as needing to fully implement Tier
7 I before implementing Tier II, is it possible that a
8 school will just have Tier I for many years before
9 they implement Tier II?

10 MS. JOHNSON: Object to form.

11 A That's, that's possible. Even if they
12 meet fidelity, they may not implement Tier II for
13 years.

14 And I think, if you'll see at the bottom
15 of -- in the middle of that chart, it says: "If the
16 above criteria has not been met, please meet with
17 your district coordinator, review the data and
18 determine next steps."

19 That's the relationship piece, to say what
20 can we do to support you or what do we need to do to
21 maybe move on and let's get Tier II trained.

22 Q Let's turn to the next page, which is
23 Bates-stamped GA00305522.

24 Do you see where this says "Principal's
25 Agreement"?

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1 A I do.

2 Q What is the purpose of this agreement?

3 A Very similar to the superintendent's
4 agreement. Like I said a couple times today,
5 leadership is the most important thing, and having
6 the principal on board is the most important thing
7 at the school level.

8 And so this Principal's Agreement is
9 saying that -- a couple of things: One, the
10 principal is going to provide a team to attend the
11 training so that we know that the Tier I training
12 happens and that they'll make sure that there's a
13 coach assigned at the school. They're going to make
14 sure that there's an administrator at the school
15 that's going to serve on that team. It doesn't have
16 to be the principal, but it needs to be an
17 administrator, someone who can make decisions.

18 So it's an agreement, just the
19 understanding of, one, we understand the
20 implementation process, I need to have a team, I
21 need to have a coach, I need to have an
22 administrator, I'm committing to training, I'm
23 committing to implementation.

24 Q What happens if a principal fails to
25 follow through with this commitment?

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1 A PBIS usually isn't very successful, and
2 luckily that happens very rarely. Where we see it
3 more regularly is Principal A agrees to it, they
4 leave, a new principal comes in and they're not
5 bought in. And what we try to do is we try to sit
6 down and get a new Principal's Agreement with the
7 new principal so they understand what's going in.

8 There's times where people sign it and
9 then the follow-through is not there. Then there's
10 people that sign it and they're even better than the
11 one before. So it's a wide variety.

12 Q Let's refer back to the implementation
13 process one more time, which is Exhibit 674, and
14 let's turn to Page 8 of this agreement -- or of this
15 implementation process.

16 Do you see where it says "Implementation
17 and Scaling Up"?

18 A I do.

19 Q Do you see under Step 6 where it says
20 building all three-tiers can take three to five
21 years?

22 A Yes.

23 Q To your knowledge, do other states use the
24 model that you described where you provide tier --
25 you build tiers sometimes simultaneously?

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1 A I don't know the answer to that.

2 Q Why would a school not be able to fully
3 implement all three tiers in five years?

4 MS. JOHNSON: Object to form.

5 A As I mentioned previously, change in
6 leadership is one of the big reasons. Commitment to
7 the implementation, that's one of the biggest things
8 we see. Not having that coach who's really moving
9 the work forward, not following the fidelity of
10 implementation as far as teaching the expectations.

11 It can break down in a lot of different
12 areas, but it really comes down to are they
13 implementing with fidelity. If they are
14 implementing with fidelity, we feel like they're
15 pretty successful.

16 Q Based on your experience with GaDOE, what
17 is the longest period of time a school in Georgia is
18 required to implement all three tiers?

19 A I do not know.

20 Q Do you have a sense of how often schools
21 require more than five years to implement all three
22 tiers?

23 A I don't know.

24 Q Would it concern you if a school was
25 unable to implement all five -- all three tiers

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1 within five years?

2 A No. As a matter of fact, at our
3 conference recently, the research is showing that
4 full implementation can take, and most likely for
5 the addition of Tier III, up to 10 years.

6 So it wouldn't be concerning at all.

7 MS. CHEVRIER: I'd like the court reporter
8 to mark this next document as Plaintiff's
9 Exhibit 679.

10 (WHEREUPON, Plaintiff's Exhibit-679 was
11 marked for identification.)

12 BY MS. CHEVRIER:

13 Q This is an email between you, Mr. Byars,
14 and Tamara Etterling, from October 3rd, 2019.
15 Correct?

16 A Correct.

17 Q And it's Bates No. GA00304824.
18 Do you recognize this email?

19 A I do.

20 Q Who is Tamara Etterling?

21 A The director of student services for Hall
22 County schools.

23 Q About halfway down the email, and I will
24 read it without school specific information, it
25 says: "In the initial training PBIS teaches to

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1 establish 2-3 schoolwide expectations. After a
2 school has solid fidelity (70% plus on TFI), then we
3 train the school in Classroom PBIS where we assist
4 teachers in developing classroom rubrics for
5 behavior." Correct?

6 A Correct.

7 Q What is TFI?

8 A Tier Fidelity Inventory, and that is the
9 DSFI, the TFI is the school version of that, where
10 the school team indicates whether the implementation
11 is not in place, partially in place, or fully in
12 place.

13 Q And how is it administered?

14 A Best practices is you have an outside
15 person come and sit with the team. That they, they
16 score it. It's scored on like a scale of zero, one,
17 two, zero not in place, two fully in place for each
18 item, and an outside person comes and builds
19 consensus. But the team, the school team, they
20 score it.

21 Q And who is typically that outside person?

22 A It could be the school climate specialist.
23 It could be a coach from another school. It could
24 be the person from the DOE.

25 And really that's that first couple of

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1 times that we score it, and then after that the
2 school teams is able to score it on their own.

3 Q When you say DOE, you mean the Georgia
4 Department of Education?

5 A I do.

6 Q And what are some examples of schoolwide
7 expectations?

8 A Be safe, be responsible, be respectful.

9 Q So from the behavior matrices --

10 A Correct.

11 Q -- that you referenced earlier?

12 A That's correct.

13 Q And how does starting -- how does the
14 implementation described in this email, starting
15 with one to two, two to three schoolwide
16 expectations fit within the broader implementation
17 steps that we've been going through?

18 A That's one of the first key things that we
19 train in Tier I, is to establish your expectations.

20 Q All right. And let's turn back to the
21 Implementation Agreement, and on Page 8, do you see
22 where it says, "Evaluation and Continual
23 Improvement"?

24 A I do.

25 Q So who does the individual evaluations?

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1 A The school evaluations? The school
2 evaluations are done at the district level, between
3 the coach of the school and their district
4 coordinator.

5 Q And do schools have to submit anything to
6 GaDOE as far as their PBIS implementation goes?

7 A They do. They upload discipline -- their
8 discipline data to the Department of Education,
9 their Tier I ODRs, so the students with zero to one
10 referrals, all that is uploaded to the Department of
11 Education.

12 Q Are those metrics used to determine
13 whether or not a PBIS program is having intended
14 effect?

15 A In essence, that data is used to assign a
16 recognition level from the Department of Education.
17 And so based on their fidelity of implementation and
18 their outcome data, they get recognized.

19 Q So you mentioned schools are required to
20 submit their ODRs. Are they required to submit
21 anything else?

22 A They are. There is walk-through data, an
23 action plan, TFI scores, SAS scores.

24 Q Previously you mentioned attendance is
25 something important to look as you're implementing

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1 PBIS, correct?

2 A Correct.

3 Q Do schools have to submit attendance
4 information --

5 A They do not -- sorry.

6 Q -- to GaDOE?

7 A They do not submit that information.

8 Q Do schools have to submit any interaction
9 that students have with school resource officers?

10 A No.

11 Q Do schools have to submit restraint data
12 to GaDOE?

13 A Not for -- not to the PBIS team.

14 Q Do they have to submit seclusion records
15 for PBIS at GaDOE?

16 A No, they do not.

17 Q Do they have to submit arrests that take
18 place at school as part of their PBIS report?

19 A No, they do not.

20 Q Do they have to submit in-school
21 suspension numbers as part of their PBIS report?

22 A They do.

23 Q What about out-of-school suspension
24 numbers?

25 A They do.

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1 Q What about expulsions?

2 A I don't believe expulsions is part of the
3 formula.

4 Q If a student was arrested at school, would
5 that be considered an ODR?

6 A If it was entered as an office
7 disciplinary referral, yes. But if it was not,
8 schools handle that differently. It just depends if
9 it was entered as a referral.

10 Q So is it possible that a school could have
11 a pattern and practice of having students arrested
12 at their location but that information not get to
13 the PBIS team at GaDOE?

14 A If it's not entered into the Student
15 Information System, I don't know if the DOE would
16 have those records. But I -- I mean I don't know.

17 Q Is it possible that a school could have a
18 pattern and practice of restraining students but
19 that information would not get to the PBIS team at
20 GaDOE?

21 A I don't know.

22 Q Do you think that information like
23 restraints and seclusions and arrests are helpful
24 for assessing the efficacy of a PBIS program?

25 A I think any behavior that interferes with

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1 the learning environment is important.

2 Q Do you think it's important to track those
3 things, restraints, seclusions, and arrests, for
4 implementing PBIS at a school?

5 A I do, and as a district coordinator I
6 thought it was really important to be able to assess
7 those practices.

8 So that, you know, I kind of knew -- one,
9 I had a pulse of what's going on, because what
10 behaviors are leading to those and how can I help
11 with that? Again, I want to get on the front side
12 of those behaviors and try to prevent those from
13 happening.

14 Q So we did talk about some of the data that
15 does get transmitted to the PBIS team at GaDOE. Who
16 reviews that data?

17 A The school climate team.

18 Q And do you review it all together or do
19 the specific specialists review just the schools
20 that are under their purview?

21 A It's a combination of those.

22 So the coach of the school and the
23 district coordinator, they recommend a recognition
24 level, and the DOE specialist, they review that for
25 the schools that they serve, and if they agree with

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1 it, they sign off on it. If they don't agree with
2 it, the practice has been they bring it to the team,
3 and we sit as a team and come to a decision.

4 Q Do those same specialists review the
5 action plans for specific schools' PBIS programs?

6 A They do.

7 Q And do they review the self-assessment
8 surveys?

9 A They do.

10 Q What would make EOY data concerning?

11 A If we saw that through the PBIS
12 implementation suspension rates were continuing to
13 go up, days of suspension were continuing to go up,
14 if we weren't seeing a decrease in those, that would
15 be a -- that would be a concern.

16 I mean we would want to drill out and
17 figure out kind of what's going on.

18 Q How does GaDOE respond if a school's EOY
19 data is concerning?

20 A We work directly with the school climate
21 specialists and the district coordinators to try and
22 find out what supports we could offer, what
23 additional trainings we would offer.

24 MS. CHEVRIER: I'd like the court reporter
25 to mark this next document as Plaintiff's

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1 Exhibit 680.

2 (WHEREUPON, Plaintiff's Exhibit-680 was
3 marked for identification.)

4 BY MS. CHEVRIER:

5 Q This is an email thread between you, Mr.
6 Byars, and Ken McIntosh dated December 16 and 17th
7 2019. Correct?

8 A Yes.

9 Q The Bates number is GA00305809.

10 Do you recognize this email?

11 A I do.

12 Q Who is Ken McIntosh?

13 A Kent McIntosh is at the University of
14 Oregon. He is one of the -- he may have on here his
15 actual title.

16 He's a co-director of our National TA
17 Center that I mentioned on PBIS. He's one of the
18 co-directors of our National Center.

19 Q Attached to this email is a document
20 entitled "Georgia DOE Positive Behavioral
21 Interventions and Supports, Levels of School
22 Recognition for 2019-2020 School Year."

23 Correct?

24 A Correct.

25 Q And that's Bates -- it starts with

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1 Bates-stamp GA00305811.

2 Do you recognize this document?

3 A I do.

4 Q Who created this document?

5 A The school climate PBIS team at the
6 Department of Education.

7 Q Do you know why it was created?

8 A This is our guidance to schools on the
9 levels of recognition.

10 Q Let's go to Page 3 of the attachment. So
11 Bates No. GA00305813.

12 Do you see where it says "Level:
13 Emerging" at the top?

14 A I do.

15 Q And do you see where it says "Outcome Data
16 and Artifacts" underneath that?

17 A I do.

18 Q The second bullet point says: "Tier I
19 state reportable Office Discipline Referrals (ODRs)
20 all students" equal zero to one, less than 75
21 percent. Correct?

22 A Greater than 75 percent.

23 Q Greater. Greater than 75 percent,
24 correct?

25 A Correct.

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1 Q What does that mean?

2 A It means that 75 percent of more of the
3 students in that school have zero or one office
4 referrals.

5 Q And why is that an important metric to
6 track?

7 A Tier I ODRs is important because what we
8 want to try and reduce are those repeat -- repeated
9 behaviors. That goes back to skill development. If
10 we have a student, group of students who have two,
11 three, four, five referrals, we're not giving them
12 the skills to be successful.

13 We understand we're dealing with students,
14 and a student may have a slip-up, but what that
15 indicates to us is for the most part the students
16 are able to meet the expectations that the school
17 has set forth.

18 Q You mentioned previously that ODRs is one
19 of the metrics that are reviewed by the GaDOE PBIS
20 team and the TA specialists, correct?

21 A That's right.

22 Q Is there any independent evaluation to
23 determine whether that information provided is
24 accurate?

25 A So that information has to be signed off

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1 by the superintendent of the districts.

2 Q So if I was a school leader and I misread
3 school data and submitted an error, the school
4 superintendent would be in place to possibly catch
5 that error?

6 A Possibly. But I don't know.

7 Q Is there any other mechanism in place to
8 possibly catch errors of this nature?

9 A Not that I'm aware of.

10 Q Let's go back into this email and the
11 attachment, the first page of the attachment, which
12 is GA00305811.

13 Do you see where it says "Tiered Fidelity
14 Inventory (TFI) Walkthrough and TFI Assessment
15 Guidance"?

16 A I do.

17 Q Were walk-throughs a typical part of the
18 PBIS evaluation process when you were a program
19 manager?

20 A They are.

21 Q So they were then and they are now?

22 A They are, yes.

23 Q And they were then?

24 A And they were then.

25 Q Did GaDOE contract with individuals to do

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1 walk-throughs?

2 A Contract, no.

3 Q So who did those walk-throughs?

4 A The TAs and the Department of Education,
5 the school climate specialists at the department --
6 at the RESAs, and the district coordinators in the
7 districts.

8 Q Can we turn to Page 2 of this attachment,
9 which is Bates No. GA00305812.

10 Do you see where it specifies levels
11 "Installing, Emerging -- or on the next page,
12 Emerging, and then Operational, and Distinguished?

13 A I do.

14 Q Who sets these standards?

15 A The school climate team at the Department
16 of Education.

17 Q At the Georgia Department of Education?

18 A Correct.

19 Q And are these levels also a national PBIS
20 standard or are they specific to Georgia?

21 A They're specific to the State.

22 Q And is the criteria under each of these
23 levels Georgia specific?

24 A They are.

25 Q The installing category is broken down by

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1 training year and post-training year, correct?

2 A Correct.

3 Q What's meant by that?

4 A So the first year of -- when you're a new
5 PBIS school and you're getting trained, recognition
6 level will be installing, and that's that training
7 year. You're building your Tier I system.

8 After that you are eligible for
9 installing, emerging, operational, or distinguished
10 based on your data. And so you'll see the
11 post-training year, it's more about the fidelity of
12 your implementation and not the fact that you're
13 being trained. So it's more about the outcomes.

14 Q On the next page, the emerging categories
15 says "Initial Fidelity Met," correct?

16 A Correct.

17 Q What is meant by that?

18 A It means you've got your system in place,
19 you've got -- your SAS has been completed, your
20 walk-throughs are being done, your TFI is being
21 completed. Those initial fidelity things that we
22 think are important, you've been able to do those.

23 Q And who assesses the program to determine
24 whether or not that criteria has been met?

25 A Those scores are submitted as part of this

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1 process to the Georgia Department of Education
2 School Climate Team.

3 Q So that's part of the process that
4 occasionally the whole team will review to determine
5 whether or not they've gotten the appropriate level
6 of certification?

7 A That's right. That happens in the
8 summertime.

9 Q The operational category has evidence
10 provided for high fidelity of Tier I implementation
11 listed next to it. Correct?

12 A Correct.

13 Q What is meant by that?

14 A So what you'll see is it graduates up from
15 a TFI score, the emerging category to now of 70 now
16 to 85 percent. And so what we're seeing is that a
17 greater degree of fidelity in what we're asking
18 schools to do has been achieved.

19 Q On the next page, the distinguished
20 category has "Installing the Tier II System" written
21 next to it. Correct?

22 A Correct.

23 Q What is meant by that?

24 A In addition to all the Tier I PBIS
25 features, what we've asked is that they assess using

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1 the TFI, how the implementation of their Tier II
2 services are -- are they not in place, in place,
3 fully implemented.

4 Q Of the schools participating in GaDOE
5 PBIS, do you know how many have achieved
6 distinguished status?

7 A I don't know off the top of my head.

8 Q Do you have a ballpark?

9 A I don't.

10 Q Have any schools ever transitioned down a
11 level?

12 A Yes.

13 Q Why would that happen?

14 A Most frequently it's because of the
15 outcome data. Maybe an increase in ODRs and
16 increase in days. That can happen for a wide
17 variety of reasons.

18 At this time that we're looking at this
19 document, if a school's population increased by 300
20 students, we didn't have a mechanism in place for
21 adjusting that you have 300 more kids, you're
22 probably going to have more ODRs but it's because
23 you have more kids.

24 We didn't have a mechanism in place to
25 account for that adjustment. We made those

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1 corrections recently, but that may be a perfect
2 example of why a school may not qualify for
3 operational. They go back to emerging.

4 Those are the kind of conversations that
5 we try to have, and we would say, hey, this school
6 has this many more students. When we take look at
7 their discipline, it's still pretty close, but yet
8 they're going to have more. So we try to catch
9 those types of things.

10 But oftentimes it's -- they just don't
11 meet the criteria.

12 Q Are there any rewards for achieving one
13 level or another?

14 A Just the recognition. You get a
15 certificate, and it says operational, distinguished.

16 The thing about the distinguished schools,
17 those are the schools we really hold up as our model
18 schools. And so if we have someone that says, hey,
19 Jason, I want to visit a school that's implemented
20 PBIS, can you give me a list of some, those are
21 going to be some that we know have high fidelity,
22 are getting the outcomes. So those would be the
23 ones that we would recommend.

24 So that's a little more recognition. It
25 doesn't guarantee someone's coming to visit your

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1 site, but it does at least give us a list of, hey,
2 these are some that are really doing well.

3 Q Let's refer back to the email that starts
4 this exhibit, which is Bates No. GA00305809, between
5 you and Mr. -- and Kenneth McIntosh.

6 He writes: "A little birdie told me that
7 schools in Georgia will no longer be eligible for
8 recognition if they use corporal punishment."

9 Correct?

10 A Correct.

11 Q How did you respond to him?

12 A You want me to read it or you want me to
13 nutshell?

14 Q The nutshell.

15 A Okay. Yes. So the, the decision was for
16 those distinguished schools, those that we hold as
17 our model sites, that we weren't going to allow
18 schools to be recognized as distinguished if they
19 continued to use corporal punishment.

20 They could still be recognized at the
21 operational, emerging or installing level, but we in
22 PBIS were not going to hold them up as one of our
23 model sites if they used corporal punishment.

24 Q How do you define corporal punishment for
25 the purpose of the criteria for reaching

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1 distinguished status?

2 A We use -- sorry.

3 We use the State definition of corporal
4 punishment, and I can't quote that.

5 Q Do you know what percentage of schools in
6 Georgia still use corporal punishment?

7 A I do not.

8 Q Do you know what percentage of GNETS
9 programs still use corporal punishment?

10 A I do not.

11 Q Why is it that schools can't achieve a
12 distinguished status if they use corporal
13 punishment?

14 A In our opinion, on our team, corporal
15 punishment does not embody what we're trying to
16 teach through PBIS. It's truly about a punishment
17 and not disciplining students. What we try to
18 promote through PBIS is to discipline students, and
19 discipline's root is disciple, which means to teach.

20 So our whole goal is to teach, and we
21 don't feel corporal punishment is a teaching
22 mechanism, it's a punishment mechanism.

23 Q And who made the decision that corporal
24 punishment couldn't be used in a school seeking
25 distinguished status?

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1 A Our team.

2 Q While you were on it?

3 A Yes.

4 Q Can -- are there other factors like
5 corporal punishment that could preclude schools from
6 earning distinguished status?

7 A If they don't -- the criteria here, if
8 they don't meet any of that criteria, it could
9 preclude them.

10 Q Can schools still earn distinguished
11 status if they've had students arrested from their
12 schools?

13 A Yes. That's not an indicator.

14 Q And can schools still earn the
15 distinguished status if they use restraint?

16 A Yes.

17 Q And can they still earn distinguished
18 status if they use seclusion in violation of Georgia
19 Law?

20 A That's not specifically spelled out,
21 though.

22 Q And if there's a pattern and practice of
23 frequent arrests at a school, could a school --
24 could that school still receive distinguished
25 status?

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1 MS. JOHNSON: Object to form.

2 A They -- technically they could.

3 Q And so are there no additional categories,
4 installing, emerging, operational, distinguished,
5 that recognize a program that implements Tier III?

6 A No, because we haven't provided the
7 training for Tier III yet, and so it's hard to set
8 those standards when we haven't provided that
9 training yet.

10 Q Who within schools receive PBIS training?

11 A The school team.

12 Q And is there a different kind of training
13 for different members of the school team? Like
14 would a school principal receive different training
15 than teachers?

16 A No.

17 Q And would teachers receive different
18 training than paraprofessionals?

19 A No.

20 Q And who provides the training for these
21 teams?

22 A The Georgia Department of Education, and
23 in some cases the school climate support specialist
24 and the RESA.

25 Q And is the training mandatory if they've

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1 opted into adopting the PBIS framework?

2 A Yes.

3 Q And how frequently does training occur?

4 A It's on an as-requested basis.

5 Q So it's requested but it's also mandatory?

6 A So if I'm --

7 MS. JOHNSON: Object to form.

8 A If I'm a school or a district and I want
9 to become a PBIS school or district, I request the
10 training from the DOE.

11 Q Got you. And then once I've started that
12 request process, then once it's offered to me, I
13 have to participate in it?

14 MS. JOHNSON: Object to form.

15 A It's kind of like the question about the
16 superintendent. If at any point they say we've
17 decided not to implement, then they could stop. But
18 to be recognized as a PBIS school and all that, you
19 have to go through the training.

20 Q Does the staff who attend these trainings
21 have follow-up supervision with someone who has
22 competencies in these areas?

23 MS. JOHNSON: Object to form.

24 A The DOE, the RESA, and the district
25 coordinator all provide support to schools.

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1 Q And they have background in PBIS and are
2 able to provide the necessary supports?

3 A That's correct.

4 Q And are there any tests or deliverables
5 that trainees need to complete in order to
6 demonstrate that they've mastered the material from
7 training?

8 A No.

9 Q Are you familiar with Functional
10 Behavioral Assessments?

11 A I am.

12 Q What, if any, FBA training is provided
13 within the PBIS framework?

14 A We don't provide FBA training.

15 Q Are you familiar with Behavioral
16 Intervention Plans, or BIPs?

17 A I am.

18 Q Is there any training on BIPs provided
19 within the PBIS framework?

20 A No. Those would be seen as Tier III.

21 Q What funds, if any, does the State
22 contribute to support PBIS?

23 MS. JOHNSON: Object to form.

24 A To schools or districts or within the
25 Department of Education?

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1 Q To schools or districts.

2 A They don't provide funds to schools or
3 districts.

4 Q What about within the GaDOE?

5 A They provide the personnel and the support
6 for the personnel. That's what the Department of
7 Education provides.

8 Q Do you know what the annual budget for
9 PBIS is? Annually for the State?

10 A So there's several different funding
11 streams that are braided together.

12 I believe when I was overseeing the
13 budget, the budget through special education was \$2
14 million.

15 The budget from the school climate
16 transformation grant was \$750,000.

17 The budget from Project AWARE, I don't
18 recall that off the top of my head. But that budget
19 came and then part of that was also distributed to
20 the three LEAs.

21 And then the State budget provides -- I
22 don't remember that amount but it provided for two
23 additional team members through the State budget,
24 and it also provided for the RESA school climate
25 specialist salaries. But that was the State budget,

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1 not the Department of Education. But we braided
2 those budgets together to support the work.

3 Q How much does the legislature appropriate
4 to PBIS?

5 A I don't know the total amount, but enough
6 for two positions on the PBIS team and the RESA
7 school climate specialists.

8 I used to remember those numbers, and I've
9 forgotten them.

10 Q Good for you.

11 A Yeah.

12 Q And what was -- you mentioned what the
13 annual budget was. How much was requested when you
14 were a PBIS program manager?

15 A 2 million. From special education.

16 The other two's were grants that were
17 given. So -- that we applied for and were awarded.
18 So those were set.

19 Q Who pays for the trainings provided to
20 LEAs and RESAs and school staff that GaDOE provides?

21 A What expenses are we talking about? So
22 when you say pay for training?

23 Q Sure. Who pays for the salaries for the
24 persons who are giving those trainings?

25 A So it depends on how they're funded. So

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1 on my team, and we listed all those people, some
2 funds -- some IDEA funds fund salaries, some school
3 transformation grant funds salaries, some State
4 budget funds salaries, some Project AWARE money
5 funds salaries.

6 So it depends on who's doing the training
7 where their funds come from.

8 Q And who pays for, for example, travel,
9 overhead costs?

10 A So those come from either the IDEA budget,
11 school transformation grant budget, or the Project
12 AWARE budget.

13 Q And I think you mentioned this before.
14 Who pays for the RESA SCSS staff?

15 A That's the State budget.

16 Q And what are the broad ways in which the
17 State reviews, assesses, or regulates the
18 implementation of PBIS?

19 MS. JOHNSON: Object to form.

20 A When you say the State, who do you mean?

21 Q GaDOE.

22 A The school climate team or someone outside
23 the school climate team.

24 Q Within the school climate team.

25 A How do we regulate PBIS implementation?

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1 Q Yes.

2 A Walk-throughs, the interviewer recognition
3 system, a lot of coaching, a lot of visits.

4 Q All what we've been talking about, for the
5 most part?

6 A Absolutely.

7 Q As of the time that you left GaDOE, about
8 how many school districts were using the PBIS
9 framework?

10 A I would be speculating. I don't remember
11 a number.

12 Q Do you know if the number was expanding or
13 contracting?

14 A It was continuing to expand. Every year
15 that I was at the DOE we were increasing the number
16 of districts and schools that were implementing.

17 Q What staff positions at a school are
18 necessary for the full implementation of PBIS?

19 A The one that's really vital is the school
20 coach. That's the one that we recognize, that the
21 PBIS team to say this is really important.

22 Having an administrator on the team is
23 really important, but that's not -- it's not an
24 initial staff member. It's identified
25 administrator.

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1 So on that team people have roles, but the
2 coach is really one of them -- one of the critical
3 roles.

4 Q Is there any education or experience
5 that's necessary for the coach to have that role?

6 A No. We don't -- no.

7 MS. CHEVRIER: I'd like the court reporter
8 to mark this next document as Plaintiff's
9 Exhibit 681.

10 (WHEREUPON, Plaintiff's Exhibit-681 was
11 marked for identification.)

12 BY MS. CHEVRIER:

13 Q This is an email from you, Mr. Byars, to
14 Dr. McGiboney, with Emily Graybill copied, dated
15 July 2nd, 2020. Correct?

16 A Correct.

17 Q And it is Bates No. GA00311038.
18 Do you recognize this email?

19 A I do.

20 Q Who is Emily Graybill?

21 A Dr. Graybill is the director from the
22 Center for Leadership and Disability at Georgia
23 State University.

24 Q You wrote: "There has been a significant
25 increase over the past few years for districts to

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1 hire what is commonly called a 'Behavior
2 Specialist.' However, there is no governance or
3 guidance as to how to define a 'Behavior Specialist'
4 or what qualifies mon to serve in this job role (job
5 description). Districts use these positions from
6 anywhere between a classified employee assigned to a
7 single student to an educator that is ABA certified.
8 Additionally, there is no organization to support
9 these educators by providing PL. Recognizing this
10 gap, Emily Graybill and I have been trying to figure
11 out how we can organize and support 'Behavior
12 Specialists' in Georgia through a collaboration
13 between GSU and the GaPBIS unit."

14 Correct?

15 A Correct.

16 Q What does PL mean in this context?

17 A Professional learning.

18 Q And what does GSU mean in this context?

19 A Georgia State University.

20 Q And what did you mean by recognizing this
21 gap?

22 A So we have seen school districts
23 recognizing that they have students who need that
24 additional in-school behavior support, but defining
25 what we see advertised jobs for behavior

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1 specialists, there's a large gap that exists on that
2 skill level and job description or lack of job
3 description. And so what we wanted to try to do is
4 fill that gap with some training, some professional
5 learning, so that at least we knew behavior
6 specialists in Georgia were all receiving some
7 similar training, they all had similar skills.

8 Q By classified employee, did you mean like
9 a one-to-one aide?

10 A Correct.

11 Q Why is it important for behavior
12 specialists to have a certain knowledge base?

13 A I think that if someone's going to be
14 assigned to really help a student develop skills and
15 build skills, they need to be knowledgeable about
16 how to do that. And I think we were seeing some
17 situations where people were being hired and they
18 didn't have -- they didn't have the skills and they
19 didn't have a community that they could go to if
20 they had a question or they were trying to help a
21 student, like they didn't have someone they could
22 call and say, hey, I know you're a behavior
23 specialist in the next county over.

24 So we were trying to build that type of
25 community.

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1 Q At the time you left GaDOE, were there
2 still behavior specialists who in your opinion did
3 not have the necessary training or qualifications to
4 fulfill those roles?

5 A I can't cite a specific person for
6 example, but I do think we need to continue to
7 develop behavioral specialists in our state.

8 Q How do behavior specialists interact with
9 the PBIS framework?

10 A That's left to the school and district.

11 Q To your knowledge, were there ever
12 behavior specialists implementing the PBIS framework
13 without the proper qualifications necessary to do
14 so?

15 A If a behavior specialist was trained in
16 PBIS Tier I, then they were trained.

17 Q And if they weren't?

18 Were you aware of any behavior specialists
19 who weren't adequately trained who are still
20 participating in the implementation of PBIS at their
21 school?

22 A That is not necessarily true to just
23 behavior specialists. People leave PBIS teams all
24 the time and they're replaced on the team, and the
25 people that are replaced don't always get the

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1 training.

2 There's sometimes that we'll have an
3 entire school team and nobody was in the initial
4 training. And so we try to constantly monitor that
5 and decide when we need to go back to a school and
6 re-train.

7 So that's not unique to a behavior
8 specialist. That's part of the attrition of
9 schools.

10 Q Your initial idea, according to this
11 email, was to create a PSC certification within the
12 PBIS endorsement, correct?

13 A Correct.

14 Q What does PSC stand for?

15 A Professional Standards Commission.

16 Q And according to this email, that was not
17 a viable option, correct?

18 A Correct.

19 Q Why not?

20 A The Professional Standards Commission is
21 not taking on any new certifications. They just
22 don't have the manpower to create the task force to
23 help explore it, and so they're just not taking on
24 any new certifications right now.

25 Q According to this email, you planned for

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1 three other ways to support an organized behavior
2 specialist, correct?

3 A Correct.

4 Q The first was to create a subgroup on the
5 GaDOE community forum, correct?

6 A That's correct.

7 Q Why in your opinion was this needed?

8 A So I just mentioned that there's not a
9 commonplace for behavior specialists to come
10 together, and that's what the forum was designed
11 for. It was designed to connect educators from
12 around the State with a common interest, and so
13 creating that behavior specialist would be a place
14 where they could come together and share ideas and
15 ask questions.

16 Q And was this executed?

17 A Yes -- sorry.

18 Q -- as planned?

19 A Yes, it was.

20 Q And did it fulfill the need you were
21 hoping it would?

22 A It didn't because that --

23 Q I'm sorry, did you say it did or did not?

24 A It did not. That community forum, GaDOE
25 community, it just didn't take off like we hoped it

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1 would. It was at least a launching point and it was
2 a place where we did trainings that we could direct
3 people to.

4 We were hoping it would take -- get a
5 little more traction, but it was a starting point.

6 Q The second way that you sought to support
7 an organized behavior specialist was to create
8 micro-courses based on feedback you received in the
9 GaDOE community forum, correct?

10 A Correct.

11 Q And these were to include 20 to 30 minute
12 standalone courses housed on GAPBIS.org, correct?

13 A Correct.

14 Q Why in your opinion was that needed?

15 A The training aspect, again on how to
16 deliver those skills, I think was really important,
17 the training and teaching skills.

18 And we also know it's hard to pull people
19 together. It's hard to get subs. Travel is
20 expensive. So if we could do that as online
21 modules, I think it would better serve the needs of
22 the behavior specialists.

23 Q And was this executed?

24 A It was not. The community part kind of
25 had to happen first to get the feedback, to build

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1 the courses, and that community part just didn't
2 take off. So the second didn't happen.

3 Q The third plan responsibility is to create
4 a series of courses that you hope to develop into a
5 PBIS behavioral specialist endorsement through a PSC
6 in the future, correct?

7 A Correct.

8 Q And why in your opinion was that needed?

9 A So that was more of an intensive training
10 with Dr. Graybill and myself on some of the things
11 they asked about earlier, FBAs and BIPs and how to
12 score those, and how PBIS as a framework fits into
13 all of this.

14 So that was the real intensive training
15 part of it.

16 And then the micro-courses were more skill
17 development.

18 Q And was this executed?

19 A It was.

20 Q And what types of topics did these courses
21 cover outside of what you just listed?

22 A Those were, those were the main topics.

23 Tier III supports and mental health were
24 also two topics that we covered.

25 Q And, to your knowledge, is that effort

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1 ongoing?

2 A It is. Dr. Graybill and I are still
3 planning to teach it again this year.

4 Q What's your understanding of what
5 constitutes a therapeutic setting?

6 A I don't have -- I don't know.

7 Q You stated earlier that you are familiar
8 with the GNETS program, correct?

9 A Correct.

10 Q And are you aware that there are both
11 school-based and center-based GNETS programs -- or
12 GNETS sites?

13 A Yes.

14 Q And do you know if the school-based
15 locations of regional GNETS programs are a part of
16 the PBIS programs at the schools where they're
17 co-located?

18 MS. JOHNSON: Object to form.

19 A I don't know the answer to that question.
20 I will tell you that in general GNETS sites were
21 trained as schools, an independent school, and not
22 as part of a school if it was attached to.

23 Q And so were they trained to create their
24 own PBIS framework?

25 A Correct.

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1 Q And if a regional GNETS program adopts the
2 PBIS framework, is it implemented in all of the
3 regional GNETS program sites?

4 MS. JOHNSON: Object to form.

5 A I don't know the answer to that.

6 MS. CHEVRIER: I think this is a good time
7 to stop and take a break, if that works for
8 you.

9 THE WITNESS: Perfect.

10 THE VIDEOGRAPHER: The time is 2:47 p.m.,
11 and we are off the record.

12 (A recess was taken.)

13 THE VIDEOGRAPHER: The time is 3:10 p.m.,
14 and we are on the record.

15 BY MS. CHEVRIER:

16 Q Let's circle back to the funding that we
17 were discussing previously.

18 You mentioned that there is some staff on
19 the PBIS team that is funded by GaDOE; is that
20 right?

21 A Correct.

22 Q And how many positions are funded by
23 GaDOE?

24 A I don't remember the number.

25 Q Do you have a ballpark sense of what that

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1 funding is for those positions?

2 A For salaries for -- salaries, benefits --
3 I just don't remember.

4 Q Do you have a sense of what the salary and
5 benefits would be for one individual on the PBIS
6 team?

7 A So it's a -- based on years of experience.
8 There could be a \$30,000 swing.

9 Q So what's the range?

10 A The range is probably 85 -- 75 to probably
11 95, a hundred.

12 Q Okay. And how many staff members are paid
13 for by GaDOE?

14 A I don't know that number off the top of my
15 head.

16 Q Okay. From the PBIS team, I mean do you
17 have a ballpark for how many?

18 A So the names that I gave you earlier, so
19 that's the -- some of those people are still in that
20 current team, and they've hired a couple other
21 people, but like Bob Burgess has left. So I mean I
22 have to really sit and think and write it out to
23 give you an exact number.

24 Q Do you remember how many people were on
25 the staff that you oversaw for the GaDOE PBIS team?

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1 A At any given time 12 to 16.

2 Q So the maximum number of staff that GaDOE
3 paid for was -- for the PBIS team was 16?

4 A I'm guessing -- again, I don't remember
5 the exact number.

6 Q But it couldn't be more than the number of
7 people who were on that team, correct?

8 A That DOE paid for PBIS and school climate?

9 Q Correct.

10 A Correct.

11 Q So is it correct to say 16 would be a max
12 while you were there?

13 A I'm estimating 16.

14 Q And then those individuals would have been
15 paid, I think you said, between 75 to \$100,000 a
16 year?

17 A Correct.

18 Q Okay. And GaDOE was potentially paying
19 for up to 16 salaries between 75,000 to \$100,000 a
20 year, for the GaDOE PBIS team?

21 A Again, that's an estimate.

22 Q And you had mentioned SAS scores. Can you
23 just, for the record, tell me what that acronym
24 stands for?

25 A Absolutely. Self Assessment Survey.

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1 The Self Assessment Survey is taken by the
2 entire faculty and staff of the school, and it goes
3 through the elements of PBIS and it asks the entire
4 staff which ones are not in place, which ones are in
5 place, which ones are partially in place, and then
6 it also has another scale of -- it's not a priority,
7 a low priority, or a high priority.

8 So it lets us know what's in place, and
9 then what are the plyers that the staff thinks for
10 PBIS implementation.

11 Q You mentioned before that Tier III
12 training has not been rolled out yet by GaDOE; is
13 that correct?

14 A That is correct.

15 Q Is it your understanding the Tier III
16 training is in development?

17 A It is complete. It's one of my babies.
18 It was one of the things that I really wanted done,
19 and the program manager called me just a few weeks
20 ago and said it's complete, we're piloting it with
21 our team, and then we're piloting it with schools.

22 So it's complete and it's going to be
23 rolled out relatively soon. I'm really excited
24 about it.

25 Q That's great. Have you seen the content

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1 of this training?

2 A I have not.

3 Q Did you work on the development of this
4 training?

5 A I did not. I had a team at the Department
6 of Education who worked on it, and actually Jeannie
7 Morris, the new program manager, was the team lead
8 on that.

9 Q Do you think it should include FBA and BIP
10 training?

11 A I think it should include an overview of
12 FBA and BIP. I don't know that a full training. I
13 think it would be time prohibitive to do a full FBA
14 and BIP training within Tier III training.

15 Q And you mentioned before that BIPs are a
16 Tier III intervention; is that correct?

17 A Correct.

18 Q Where else, if not by GaDOE, would someone
19 receive training to develop a BIP?

20 A Colleges and universities do that.
21 Georgia State does FBA and BIP training.

22 Probably some of the RESAs, you could get
23 FBA and BIP training at RESAs, where professional
24 learning is offered.

25 Q And are there place -- are there schools

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1 in Georgia that have implemented Tier III even
2 though the Tier III training has not been ruled out
3 yet?

4 A They have aspects of Tier III in place.
5 For example, when I was in Griffin, a lot of our
6 mental health services and those behavior supports
7 we were offering, those were really Tier III
8 supports. We had been formally trained but we knew
9 what our needs were and we had that grant to help us
10 develop some of the ways to meet those needs.

11 Q When did GaDOE first start supporting
12 PBIS?

13 A I believe 2008.

14 Q And is it typical for it to take, you
15 know, over a decade to roll out Tier III training?

16 A I don't know it's typical in rolling out
17 Tier III training. There's not enough Tier III
18 trainings out there to kind of know what's typical.

19 I knew it was a need in our state and I
20 knew we needed to meet the need.

21 Q Why do you think that need needed to be
22 met?

23 A Just hearing and having been in the
24 district to see the needs and in really hearing in
25 some of those really intense behaviors that our

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1 schools were struggling with, and they didn't know
2 how to help those children, and so when you hear
3 that, you travel around the State and you do
4 presentations, you travel the country and you talk
5 to people and you start hearing that same theme over
6 and over again.

7 Plus I had firsthand knowledge in a
8 district that had pretty significant individual
9 student needs. So I knew coming from the district
10 when I got here that was something we had to do for
11 our state.

12 Q And is the goal of Tier III training
13 roll-out to decrease those severe behaviors in
14 students who require Tier III services?

15 A Correct. It's, again, skill builds, so
16 that those behaviors decrease.

17 Q And what support is given by GaDOE to a
18 school that is currently trying to implement Tier
19 III but hasn't received the training yet?

20 A I don't -- I don't think there's any
21 official support that the DOE offers.

22 Q And we talked before about the different
23 levels, installing, emerging, operational, and
24 distinguished. Would you hope to see that student
25 outcomes improve as the levels increase?

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1 A That's correct. That's kind of the
2 purpose of that recognition system, is as the
3 recognition level goes up, the outcomes also go up,
4 and that's how you meet those needs.

5 And since you brought that up, one of the
6 questions you asked a few minutes ago was something
7 to the effect of could a student who's been arrested
8 multiple times, could that school still be
9 operational or distinguished. I've been thinking
10 about that question, and I went back and I looked,
11 and I think it was this year, that you provided
12 Exhibit 680, I think is the year that we removed one
13 thing from this, and that was schools that were on
14 the persistently dangerous list wouldn't be
15 recognized with some of our -- and we never had
16 that. We never had a school on the persistently
17 dangerous list.

18 So it was either 2018 or '19 that we
19 removed that off of here, but when you asked that
20 question, it made me think why didn't we think about
21 that and we did have that caveat in about the
22 persistently dangerous.

23 So some behaviors, like what you're
24 describing, if that would have gotten a school on
25 the persistently dangerous list, that is something

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1 we would have taken a look at.

2 Q Thank you for circling back with that.

3 So what does cause a school to be put on a
4 persistently dangerous list?

5 A And I don't remember all the definitions
6 of that, but the severe criminal type behaviors, if
7 those are repeated.

8 You mentioned arrests. So depending on
9 what those arrests are for. But I really have to go
10 back and look that up.

11 Again, it's not something we luckily had
12 to deal with. So it's not something that I looked
13 at very regularly, but I did remember it being a
14 part of our rubric.

15 Q Thank you. And so just to be clear, you
16 said that schools being on the persistently
17 dangerous list was removed from that. How was it
18 included previously on the earlier iterations?

19 A And I was looking back to see if I could
20 remember, and it seems like that to receive a PBIS
21 recognition, you couldn't have been on that list at
22 any level.

23 That's the way I remember, but I'd have to
24 go back and pull like 2018 to go back and look at.

25 Q Got you. So it was like an exclusionary

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1 criteria, like using corporal punishment is now?

2 A Correct.

3 Q And so to go back, you just agreed that as
4 school's levels increase, so go from installing to
5 distinguished, that you would see student outcomes
6 improve?

7 A Correct.

8 Q And what data would that be based on?
9 Would it be based on ODRs decreasing?

10 A Exactly.

11 Q And ISS decreasing?

12 A Yes.

13 Q And OSS decreasing?

14 A Yes.

15 Q Any others that I'm missing?

16 A So we also take a look at that Tier I
17 data, the increase of the number of students at Tier
18 I. The --

19 Q And that's linked to ODRs, though?

20 A That's linked to ODRs.

21 So the data that we looked at, what we
22 defined that is a stable declining, and we
23 understood you may have a little uptick of five
24 percent. We consider that stable.

25 So anything that was 15 percent or below

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1 was what we considered stable or declining. So we
2 wanted you to maintain where you were or improve
3 that.

4 Q In your current position as school climate
5 director for Northeast Georgia RESA, do you ever
6 interact with Rutland Academy GNETS program?

7 A I have.

8 Q And in what ways?

9 A So once I went out -- both times were to
10 go out and meet with their director and again try
11 and start doing like I do with a lot of schools and
12 districts. I've tried to visit one-on-one's with
13 every school district that I'm serving. So I've
14 been out and had those one-on-one meetings with
15 everybody.

16 And so she's one of my schools. So to go
17 out and really begin that relationship with her.

18 Q So does the Rut -- does Rutland currently
19 use the PBIS framework?

20 A They do.

21 Q And do you know their current status, as
22 far as installing, merging, operational,
23 distinguished?

24 A I don't.

25 Q And have you conducted any facility visits

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1 of regional GNETS programs in your capacity as PBIS
2 director at -- program manager at GaDOE?

3 A Like an official like walk-through type or
4 just a visit?

5 Q Let's do walk-through first.

6 A No.

7 Q Have you done any just visits?

8 A I have.

9 Q In what way?

10 A So like I mentioned earlier that Elam
11 Alexander, I held meetings there. It's a great
12 place to hold meetings and they do a real good job
13 with PBIS implementation. So it's a great
14 environment for people to really see and feel what
15 it looks like. And those were my meetings with my
16 school climate specialists from around the State.

17 So there have probably been a couple of
18 places like that I've had a meeting like in a GNETS,
19 and they wanted to walk me around and show me kind
20 of what they're doing and how their implementing.

21 Q Do you have a sense, ballpark, for how
22 many facilities you've done those informal
23 walk-throughs?

24 A As a DOE person --

25 Q Yes.

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1 A -- or totality.

2 Q As a DOE person.

3 A Definitely Elam, definitely Mainstay in
4 Griffin.

5 There was one down in First District that
6 I visited. So I'd probably say maybe three.

7 Q And who coordinated those visits?

8 A I probably coordinated because I was going
9 down for a meeting or something like that. So I'm
10 sure I'm the person who set that up.

11 Q And did you analyze the nature and quality
12 of the therapeutic supports available to students at
13 those locations?

14 A No.

15 Q Did you assess the school climate in those
16 facilities?

17 A No.

18 Q Did you analyze anything else?

19 A No.

20 Q When was the last time you visited a GNETS
21 facility in your capacity as program manager at
22 GaDOE?

23 A Oh, wow.

24 Pre-pandemic.

25 Q And what about visits in your current

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1 position?

2 A Let's see here. I visited Rutland, went
3 out to see Celeste. It may have been in November.
4 So maybe last month.

5 Q And what was the purpose of that visit?

6 A I went out to do an after-action review
7 with her to teach her about how to do after-action
8 reviews, just a tools skill that we use.

9 Q And who coordinated that visit?

10 A Who coordinated that visit? Um, I think
11 Celeste -- I mean it was just -- Celeste and I
12 coordinated that together.

13 Lori Allison, of course I keep her
14 involved whenever I go visit schools and districts.
15 I don't know that there was a lot of coordination
16 that was going on. It was a need that popped up and
17 I side I could help out.

18 Q Sounds good. What was that need?

19 A To learn how to do after-action reviews.

20 Q And did you analyze the nature and quality
21 of the therapeutic supports available to students
22 while you were there?

23 A I did not.

24 Q Did you assess the school climate in those
25 facilities?

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1 A I did not.

2 Q Did anyone you supervise at GaDOE
3 participate in facility visits in GNETS facilities?

4 A They did.

5 Q In what capacity?

6 A Walk-throughs. That would be probably --
7 one of the primary things in our role at the DOE,
8 would be to conduct walk-throughs.

9 Q And how frequently were walk-throughs done
10 by GaDOE staff in GNETS facilities?

11 A It's as requested. We really weren't on a
12 schedule per se. It's more when there was a need,
13 especially when you have new coaches and new
14 district coordinators and they just don't feel
15 comfortable doing them. It's a real good way to get
16 out and coach. So once we kind of coach those up --
17 coach those people up on those, then they start
18 doing them themselves.

19 Q You mentioned you weren't on any kind of
20 schedule for those walk-throughs. Are other schools
21 on a schedule for walk-throughs?

22 A They are. We ask the schools to do two
23 walk-throughs a year, and it just varies how they
24 handle those. Some schools handle it themselves,
25 some have their district coordinators come out.

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1 I've been invited now in my new role in
2 RESA. I've been invited out to a lot of school
3 walk-throughs, which is a lot of fun to get to go
4 out and see the schools.

5 And then sometimes, like Ben Moore, who is
6 our DOE person, sometimes when he's available, he'll
7 go with us. So it just varies. But we ask schools
8 to do two a year.

9 Q And that's true for GNETS schools as well?

10 A Correct.

11 Q When was the last time that someone you
12 supervised advised GNETS facility?

13 A Currently supervise?

14 Q No. Someone who you supervised as -- when
15 you were program manager.

16 A Oh, I don't know that.

17 Q And when we talk about walk-throughs, are
18 these the TFI walk-throughs?

19 A They sometimes are referred to as TFI
20 walk-throughs because we're looking for those
21 elements of the TFI when we do our walk-through.

22 Q Did you have any duties at GaDOE with
23 respect to GNETS?

24 A Other than the implementation of PBIS.
25 That was really it.

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1 Q And did you meet with anybody regarding
2 GNETS while you were at GaDOE?

3 A Did I meet with anybody regarding GNETS
4 when I was at GaDOE?

5 Maybe early on in this litigation. Stacey
6 Suber-Drake and I met to talk about -- I think there
7 were some documents that we had to produce, and so I
8 had to get those together.

9 So I do remember that.

10 Q What is Sandy DeMuth's title?

11 A Sandy is one of our school climate
12 transformation grant specialists. So she's funded
13 -- she's part-time funded by the school climate
14 transformation grant to support the work of the
15 grant.

16 Q And she's someone who reported to you?

17 A She is.

18 Q And what was your -- and did she have any
19 specific job or responsibility related to GNETS?

20 A She did. So she's the one who organized
21 collecting the data for the end of year recognition.

22 Because their programs are not schools,
23 they get to submit their data through SLDS, like
24 most schools.

25 Q Can you say what SLDS is?

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1 A State Longitudinal Data System.

2 And that's where we upload our data, the
3 office disciplinary referral data and all that data
4 that gets uploaded to the State.

5 And so we had to create another form for
6 our alternative GNETS, any program that didn't have
7 a school number, that was able to submit. They had
8 to submit it in a different way. So Sandy organized
9 and led all that, collected the data, used the jot
10 form and disseminated it to the sites.

11 Q And while you were at GaDOE, did you have
12 any communication with other staff at GaDOE who were
13 responsible for the GNETS programs?

14 MS. JOHNSON: Object to form.

15 A I honest -- I don't. I can't tell you
16 who's over GNETS at the DOE. So if I had contact
17 with that person, I don't -- I mean I don't know.
18 But nothing specific about GNETS.

19 Q Did you ever communicate with Zelphine
20 Smith-Dixon about the GNETS program?

21 A I can't say that I did or didn't. I just
22 don't remember.

23 Q Did you ever communicate with Vickie
24 Cleveland about the GNETS program?

25 A I don't remember.

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1 Q Did you ever communicate with Shaun Owen
2 about the GNETS program?

3 A I don't remember.

4 Q Are GNETS programs required to use the
5 PBIS framework?

6 A No one's required. It's voluntary.

7 Q Do you know if all of the GNETS programs
8 use the PBIS framework?

9 A I don't know that off the top of my head.
10 I don't know.

11 Q Do you know whether all GNETS programs
12 receive PBIS training?

13 A I don't know that either.

14 Q Do you know at what level installing,
15 emerging, operational, or distinguished most GNETS
16 programs are currently operating?

17 A I don't.

18 MS. CHEVRIER: I'd like the court reporter
19 to mark this document as Exhibit 682.

20 (WHEREUPON, Plaintiff's Exhibit-682 was
21 marked for identification.)

22 BY MS. CHEVRIER:

23 Q The Bates stamp is GA00303767.

24 This is an email from Sandy DeMuth to
25 Tammi Clarke, on which you are copied, correct?

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1 A It is.

2 Q And it is from August 22nd, 2019?

3 A Correct.

4 Q And do you see there where it says
5 "Attachments: Jot Form, Final sign off 8-21-19,"
6 and then it shows it's an Excel spreadsheet?

7 A I do.

8 Q So I'm going to share that Excel
9 spreadsheet with you on a computer.

10 A Okay.

11 Q I believe I have now given you remote
12 control so that you can move within.

13 So this is an Excel spreadsheet that
14 provides information about GNETS and alternative
15 school PBIS implementation statuses, correct?

16 A Correct.

17 Q And it includes the program's PBIS
18 training year, correct?

19 A Sorry. I'm having to scroll over.

20 Q No worries.

21 A Okay. I do see the PBIS training year
22 now, yes.

23 Q And it also includes the State's
24 recommendation as far as its level, correct?

25 A It does.

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1 Q And do you recognize this spreadsheet?

2 A I don't necessarily recognize this
3 spreadsheet. Again, this was kind of the internal
4 document that Tammi and Sandy would use. Where I
5 would see this information would be if there was,
6 you know, like we talked about earlier, where you
7 see there was a district coordinator recommendation
8 and the date recommendation, if there was a
9 difference, then Sandy would have brought to it our
10 team.

11 Just it's like AC -- A.Z. Kelsey says they
12 want to be operational. We say they want to be
13 emerging. Let's talk about it.

14 Q But you do see this was attached to an
15 email on which you were copied?

16 A Correct.

17 Q Can you scroll to where it says Coastal
18 Academy Hinesville?

19 A Okay.

20 Q There are PBIS training years listed as
21 2012 to 2013, correct?

22 Sorry, we're testing your Excel
23 spreadsheet skills.

24 A 2012, 2013. Correct.

25 Q And the State remediation is that they are

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1 emerging, correct?

2 A Sorry, I'm having to scroll back up to the
3 top and make sure I'm on the right column.

4 That's correct, emerging.

5 Q Is it standard for a school not to reach
6 operational status after seven years?

7 MS. JOHNSON: Object to form.

8 A I don't -- I don't know. I don't -- I've
9 not looked at that kind of data.

10 Q And do you have any reason to question the
11 data that appears in this spreadsheet?

12 A I do not.

13 Q Why might it take so long for a school to
14 reach operational status?

15 A Probably fidelity implementation.

16 Q Does it concern you that it's taken
17 Coastal Academy Hinesville this long to achieve
18 operational status?

19 A So this is an example, this is a data
20 point in time. They could have been operational the
21 previous year, we don't know. They could have been
22 operational for five years in a row. I don't know.

23 So it's hard to say whether I have
24 concerns about that, that on this one data point in
25 time that they were emerging, the recognition level.

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1 Q If they had been emerging the entire time,
2 would you have concerns?

3 A I would, I would want to know why we're
4 not able to, to get the outcomes that we're looking
5 for.

6 Q Would it concern you if more GNETS
7 programs had stalled in their PBIS implementation?

8 A It concerns --

9 MS. JOHNSON: Object to form.

10 A It concerns me that any school, not just
11 GNETS, and we have those discussions about any of
12 our schools that aren't able to, you know, kind of
13 move forward and implement with fidelity and what
14 kind of coaching and what's going on.

15 So is it concerning about GNETS?
16 Concerning about GNETS, it's concerning about
17 elementary schools, middle schools, high schools.

18 Q We discussed earlier that the
19 distinguished category is reserved for schools that
20 are installing Tier II systems with fidelity,
21 correct?

22 A Correct.

23 Q If a school is still at the emerging
24 status, does that mean they are not yet implementing
25 Tier II with fidelity?

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1 A PBIS Tier II as recorded on their TFI,
2 correct.

3 Q Do you know how many GNETS programs are
4 providing all three tiers of the PBIS framework?

5 A I don't know.

6 Q Do you know how many general education
7 schools are providing all three tiers of the PBIS
8 framework in Georgia?

9 A I don't.

10 Q We spent a lot of time talking about the
11 PBIS framework. Are there any ways that you would
12 expect the framework to work differently at a GNETS
13 program?

14 MS. JOHNSON: Object to form.

15 A I've never worked in a GNETS, so I don't
16 know.

17 Q Do Tier I services and interventions at a
18 GNETS program look the same as Tier I services and
19 interventions at a general education school?

20 A They do look very similar.

21 Q And what about at Tier II?

22 A At Tier II, I would think probably the
23 behaviors are a little more intensive, and so I
24 would think we would probably see a wider number of
25 students at Tier II than we would in a regular

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1 education school, just because of the nature of the
2 students who are in our GNETS programs.

3 Q And just for the record, when you say that
4 you would expect it to be -- behaviors to be more
5 severe, is that at a GNETS program compared to a
6 general education school?

7 A That's correct.

8 Q And what about at Tier III?

9 A The same. I would expect probably to see
10 more students who need Tier III -- Tier II and Tier
11 III services in a GNETS than I would in a regular
12 education setting.

13 Q Are there any services provided through
14 the PBIS framework, to your knowledge, that are only
15 provided in GNETS settings?

16 A Not to my knowledge.

17 Q Would you expect to see other services
18 provided through PBIS at a GNETS program compared
19 with the GNETS setting?

20 A I don't -- I don't know that services
21 would be the word that I would use. How we coach
22 the GNETS may be a little different, just because we
23 know that their population is a little different and
24 that they have some higher needs and we want to make
25 sure we meet those needs. But training and services

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1 that we provide would probably be the same.

2 Training on Check In Check Out and SWIS,
3 those things would be the same. And then how we
4 coach may be okay. How do we do this for a larger
5 number of students? How do we do this for every
6 student here through GNETS to make sure they're
7 getting what they need? So more the coaching.

8 Q The services might be the same but the
9 coaching for how to provide those services to more
10 students might be different?

11 A Correct.

12 Q Would you expect to see more mental health
13 services in GNETS programs?

14 MS. JOHNSON: Object to form.

15 A Provided by whom?

16 Q Who should be providing mental health
17 services in schools?

18 A Earlier we were talking about like
19 school-based mental health versus people that came
20 in from the outside that you had memorandums of
21 understanding.

22 So I think you have to take a look at the
23 population in your GNETS to see if they need the
24 mental health services.

25 Q Would you expect to see more behavioral

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1 services in the GNETS setting?

2 A I would.

3 Q And what would you expect that to look
4 like?

5 A So I think in some of the GNETS that I
6 visited, there's much more focus on some of the
7 occupational therapy skills, more places for
8 students to take breaks, more -- just more ways to
9 meet individual needs than we see in the regular
10 education program. Breakrooms, calming corners,
11 those kinds of things.

12 Q Are there any differences with the
13 implementation process for regional GNETS programs
14 compared with the general education public schools?

15 A Will you say that one more time?

16 Q Sure. We spent a lot of time talking
17 about the implementation process --

18 A Right.

19 Q -- for school districts, correct?

20 A Correct.

21 Q And then we talked also about what the
22 implementation would look like from a school
23 perspective, correct?

24 A Correct.

25 Q Would you expect that to look different

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1 for a GNETS, a regional GNETS program?

2 A So that implementation process that we've
3 talked about, I wouldn't expect that to look
4 different. But, again, that coaching part of it, I
5 would expect that to, to look different, just
6 because the needs are a little bit different.

7 Q Do individual GNETS, regional GNETS
8 program directors chose to implement PBIS?

9 A I don't know the answer to that question.

10 Q Do you know if the LEA ever choses to
11 implement PBIS and that decision is then made for
12 GNETS programs?

13 A I don't know.

14 Q Do you know if the regional GNETS program
15 is ever --

16 MS. CHEVRIER: Let me rephrase.

17 Q Do you know if the fiscal agent for the
18 GNETS programs ever decide to implement GNETS --
19 PBIS?

20 A I don't know.

21 Q Are regional GNETS directors similar to
22 principals, required to make a written commitment if
23 they choose to implement PBIS?

24 A They are, and it's really because they're
25 looked at as their own LEA. It's really more of

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1 that superintendent's agreement because we kind of
2 look at that as an individual LEA.

3 Q And what happens if a GNETS director backs
4 out after making such a commitment?

5 A Kind of what we discussed before. You
6 know, we wouldn't follow through with the training.
7 We definitely want the director on board.

8 Q What GNETS programs -- sorry.
9 Do GNETS programs use SWIS?

10 A Initially, yes. I don't know which ones
11 still use SWIS.

12 Q Why would they have stopped using SWIS?

13 A The same reasons that we stated
14 previously, the top two reasons: Double entry and
15 the cost.

16 Q Are GNETS programs required to develop
17 their own district community leadership teams?

18 A I only can speak to Griffin RESA, where I
19 was a part of it. We had our Mainstay Academy
20 there. It was just treated as another school. And
21 since that building was housed in the -- in Spalding
22 County, our DLT, District Leadership Team,
23 represented them just like they were any of the
24 other schools.

25 So that's my only experience. I don't

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1 know how the other areas handle that.

2 Q We previously discussed that the Tier II
3 readiness, in the Tier II Readiness Packet, that it
4 specifies that in order for a school to present Tier
5 II services, 85 percent or more students must be in
6 a zero to one ODR range or the under one ODR per 100
7 students, correct?

8 A Correct.

9 Q Does this prerequisite also apply to GNETS
10 programs?

11 A So those prerequisites from that time have
12 changed, and I don't remember the full -- I don't
13 remember the details of the changes, but what we did
14 recognize was it probably wasn't fair to hold GNETS
15 to that same standard just because we knew by the
16 very definition of those students being in a GNETS
17 program that they probably had behavior challenges.

18 And so would it be fair to hold them to
19 that same standard? So we changed that. And I
20 don't -- again, I don't remember the details but I
21 do remember the conversation saying we've got to
22 look at GNETS as GNETS and not as the same
23 comparison to a public high school, public
24 elementary school, public middle school.

25 Q So does that mean GNETS schools have

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1 different criteria they need to fulfill in order to
2 implement Tier II?

3 A To implement Tier II? No.

4 The recognition is what's a little
5 different.

6 Q And that's the recognition for the
7 different levels: Installing, emerging,
8 operational?

9 A That's correct.

10 Q Earlier we discussed possible barriers a
11 school or district may face when implementing PBIS,
12 correct?

13 A We did.

14 Q And would you expect to see similar
15 barriers at a GNETS program?

16 A I would see similar barriers.

17 Q Are there barriers that you would expect
18 to only see for GNETS programs, or that you think
19 are more likely to see in GNETS programs?

20 A I think some of the intensity of some of
21 the behaviors that we see in the GNETS can sometimes
22 pose a barrier, just because every student there,
23 it's almost as if Tier I doesn't exist. Like every
24 student there needs additional supports. So how do
25 we get those resources and make sure every

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1 individual student receives that.

2 So to me that's one of the biggest
3 barriers with our GNETS and implementation.

4 Q We previously discussed how students are
5 assigned to the tier of services that they require,
6 correct?

7 A Correct.

8 Q Would this assignment process be similar
9 in a regional GNETS program?

10 For example, we previously discussed the
11 Tier I services are for students with zero to one
12 ODRs?

13 A Correct.

14 Q And that Tier II is for students with two
15 to five ODRs?

16 A Correct.

17 Q And that Tier III is for students with six
18 plus ODRs?

19 A Right.

20 Q So would this be the same for a GNETS, a
21 regional GNETS program?

22 A So we would still identify Tier I, Tier
23 II, and Tier III that way. What that may mean is
24 that 80/15/5 may look different in a GNETS if you
25 have students with multiple referrals. But we still

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1 say Tier I, Tier II, Tier III.

2 Q When you say 80/15/5, you mean that -- you
3 typically want to see 80 percent of students in Tier
4 I, 15 in Tier II, and five in Tier III?

5 A Correct.

6 Q And that the percentages of where students
7 are placed within the tiers might change in a GNETS
8 program? Is that what you're saying?

9 A That's correct.

10 Q But that what qualifies students to be in
11 the different tiers would not change?

12 A Correct.

13 Q And would teacher requests for assistance
14 similarly impact a student's tier placement at a
15 regional GNETS program?

16 A Yes.

17 Q Would you expect regional GNETS programs
18 to also use universal screeners, like the SRSS-IE
19 and SDQ-IE?

20 A My experience was at the -- when I was in
21 Griffin Spaulding and I was using universal
22 screeners, we didn't screen the students in our
23 GNETS. We knew -- we already knew that they were
24 going to have some elevated behavior needs. So we
25 knew that by their very placement. So we didn't

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1 feel the need to go and do an additional screening.

2 Q Is it correct that you said earlier that
3 both of these screenings can look at both
4 internalized and externalized behaviors?

5 A That's correct.

6 Q Was there a different way you identified
7 internalized behaviors for GNETS students if you
8 didn't use these screeners?

9 A No. That was more part of their IEP
10 process, and as they talk about the individual needs
11 of the students, they would talk about the -- their
12 behavior needs.

13 Q Would you expect for a regional GNETS
14 program to use any other information in addition to
15 what we've discussed in order to assign students to
16 different tiers?

17 A I don't know enough about the -- some of
18 the things that they do in GNETS to be able to
19 answer that.

20 Q Would you --

21 A Those three things that we use would -- I
22 think two of those three, the ODRs and the referrals
23 by the teachers, I think would be more -- we would
24 feel comfortable in PBIS.

25 Q You would feel comfortable that GNETS

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1 programs used those?

2 A Correct.

3 Q Would you expect regional GNETS programs
4 to utilize the early warning systems we discussed
5 previously?

6 A I would think that would be beneficial.

7 Q Why would it be beneficial?

8 A Again, the whole approach to being
9 proactive, making sure we have service ready and in
10 place. I think that's beneficial for all students,
11 including students that are in our GNETS locations.

12 Q And would you expect regional GNETS
13 programs to use the social-emotional learning
14 curriculum that we discussed earlier?

15 A I think it would be beneficial for
16 students in GNETS as well.

17 Q And why would it be beneficial?

18 A It's about skill development and, you
19 know, social-emotional learning curriculums. We
20 would want to see those implemented at Tier I
21 because it's beneficial for all students.

22 Q I think we may have hinted at this, but
23 would you expect more students to be in Tier II or
24 Tier III in a regional GNETS program compared with a
25 general education public school?

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1 A I would expect that.

2 Q And we touched upon this as well. Do the
3 regional GNETS programs have the same PBIS reporting
4 requirements to GaDOE as general education public
5 schools?

6 A This past year we changed those, and we
7 wanted to make sure we were being fair. We changed
8 a couple of things: One, we tier schools. So when
9 we do that, we rank order our elementary schools,
10 our middle schools, our high schools, our GNETS, so
11 that they're being compared to like schools.

12 And what we, what we found was we're -- we
13 may have a school that last year had one office
14 referral, and this year they had two. And so the
15 data showed that they had 100 percent increase.
16 They had two referrals. They're still in that top
17 10 percent of elementary schools.

18 And so we wanted to give them a way to
19 look at it two different ways. If you're not stable
20 or declining but you're still in that top 10
21 percent, it meets that criteria.

22 And so when we did that, we did that for a
23 couple -- with a couple of things in mind, and one
24 was our GNETS. Was it fair to rank them as another
25 middle school or high school and compare them to a

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1 general ed population. We didn't think that was
2 fair, so we set those criteria based on the
3 population.

4 So in that regard it's a little bit
5 different for GNETS. It's a little bit different
6 for high schools. So it's a little bit different
7 for everybody, and that's so we could be fair to
8 them and give every school the benefit of the doubt
9 that they're doing the very best that they can, and
10 we want to acknowledge that.

11 Q So you were comparing GNETS programs to
12 other GNETS programs?

13 A Correct.

14 Q As far as -- we've talked about the
15 different data and information that schools need to
16 report to the GaDOE PBIS team, correct?

17 A Correct.

18 Q Did the GNETS programs have any differing
19 requirements as far as what they had to report to
20 GaDOE?

21 A Not that I remember. We could look back
22 at that spreadsheet and see.

23 Q We're about to.

24 A Okay.

25 Q Do regional GNETS programs submit their

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1 end of year data through a different portal? I
2 think you mentioned that.

3 A Jot form.

4 Q And that jot form is a different portal
5 than what general education schools do?

6 A Correct.

7 Q Or use?

8 A Or use, yes.

9 Q Why do regional GNETS programs submit
10 their end of year data through a different portal?

11 A Because they're not -- assigned a state ID
12 number as a school. They're a program, and you have
13 to have that state ID number to be able to access
14 SLDS, State Longitudinal Data System.

15 Q And are regional GNETS programs required
16 to provide --

17 MS. CHEVRIER: Strike that.

18 I'd like the court reporter to mark this
19 document as Plaintiff's Exhibit 683.

20 (WHEREUPON, Plaintiff's Exhibit-683 was
21 marked for identification.)

22 BY MS. CHEVRIER:

23 Q This is an email from Sandy DeMuth to a
24 number of different people, including you, Mr.
25 Byars, dated May 27th, 2019. Correct?

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1 A Correct.

2 Q And it's Bates No. GA00301609.

3 Do you recognize this email?

4 A I do.

5 Q Can you turn to Page 3 of this email,
6 which is Bates No. GA00301611.

7 Is this the copy of the jot form PBIS end
8 of year report that regional GNETS programs
9 submitted?

10 A Yes, it is.

11 Q And am I correct that regional GNETS
12 programs were required as part of this form to
13 submit ODR data?

14 A Correct.

15 Q And ISS data?

16 A Correct.

17 Q And OSS data?

18 A Correct.

19 Q But not arrest data?

20 A Correct.

21 Q And not restraint data?

22 A Correct.

23 Q And not seclusion data?

24 A Correct.

25 Q Is there any other data that they are

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1 required to submit as far as student behavior
2 metrics?

3 A Student behavior metrics, ODRs, ISS, OSS.
4 That's the only behavior data metrics that they
5 submit.

6 Q You mentioned earlier that attendance data
7 is really important for PBIS implementation; is that
8 correct?

9 A It is.

10 Q Are they required to submit any sort of
11 attendance data?

12 A They're not.

13 Q And if some LEAs do not provide the GNETS
14 programs with access to their attendance records,
15 would that harm the GNETS programs' ability to use
16 that metric when implementing PBIS?

17 MS. JOHNSON: Object to form.

18 A If who doesn't give access?

19 Q So we mentioned before that GNETS programs
20 are not schools, they're programs?

21 A Correct.

22 Q If they -- if a GNETS program does not
23 have access to attendance records, would it be
24 harmful as far as their implementation of PBIS that
25 they would not be able to review those types of

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1 records?

2 MS. JOHNSON: Object to form.

3 A I don't know that it would be harmful,
4 detrimental. Attendance is a good indication of
5 climate and culture. It's why we look at it. But I
6 don't know that it would interfere with PBIS
7 implementation.

8 Q If, if some GNETS programs don't get their
9 students bussed to them during half days, would that
10 interfere with attendance data?

11 MS. JOHNSON: Object to form.

12 A I don't -- I don't know. I don't know how
13 they collection that attendance data.

14 Q But generally attendance data is one of
15 the many things that a school could look at to see
16 whether or not their implementing PBIS has improved
17 student outcomes?

18 A It is. What we hope is if you have a
19 positive school climate, place where kids want to
20 be, that your attendance goes up. That's kind of
21 that correlation that we're hoping is going to
22 happen.

23 Q And so if you don't have access to your
24 attendance data, you just don't have access to that
25 data point, which could indicate that your school

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1 climate is benefiting students?

2 A Correct.

3 MS. JOHNSON: Object to form.

4 A Correct. That's just a data point we
5 couldn't examine.

6 Q Let's look back at the exhibit -- can we
7 look back at Exhibit 682, and let's now actually
8 look at the email that was sent.

9 So this again is the email that Sandy
10 DeMuth sent to Tammi Clarke on which you're copied,
11 correct?

12 A Yes.

13 Q Do you see where Sandy wrote: "I did
14 check with GNETS programs that were 'iffy' or if I
15 thought something wasn't right and I talked to the
16 director."

17 A Yes.

18 Q What did you understand her to mean by
19 iffy?

20 MS. JOHNSON: Object to form.

21 A You know, I don't remember the
22 conversations that we were having about the time
23 this email was sent. So I honestly don't remember.

24 Q Okay. Do you see where she wrote: "I
25 know nothing about Rockdale Academy (I think that's

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1 what it's called). That may be the only one that
2 doesn't have a state recommendation"?

3 A Yes.

4 Q Is Rockdale Academy a GNETS program?

5 A I don't know.

6 Q If it were a GNETS -- or if it were a part
7 of a GNETS program, would it concern you that Sandy
8 knew nothing about it?

9 MS. JOHNSON: Object to form.

10 A I have no opinion about this, so that's
11 going to be pure speculation. So I don't know.

12 Q And why would a program not have a state
13 recommendation?

14 A If their district coordinator didn't make
15 -- enter a recommendation.

16 Q And why would their district coordinator
17 not enter a recommendation?

18 A I don't -- I don't know.

19 Q Are there PBIS programs in GNETS programs
20 held to the same -- so are PBIS programs and GNETS
21 programs held to the same standard as general
22 education schools when they're being reviewed as far
23 as the levels, installing, emerging, operational,
24 and distinguished?

25 A They are.

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1 MS. CHEVRIER: I'd like the court reporter
2 to mark this as Plaintiff's Exhibit 684.

3 (WHEREUPON, Plaintiff's Exhibit-684 was
4 marked for identification.)

5 BY MS. CHEVRIER:

6 Q This is an email from Sandra DeMuth to
7 you, Mr. Byars, and a number of other individuals,
8 dated May 31st, 2019. Correct?

9 A Correct.

10 Q It's Bates No. GA00301756, correct?

11 A Correct.

12 Q Do you recognize this email?

13 A I do.

14 Q Let's look at the fourth paragraph, okay.

15 Do you see where Sandy writes: "The only
16 difference with GNETS is they are 'excused' from
17 Tier 1 percent so that section is not there when
18 they click GNETS. Your alternative program need to
19 include their through the -- "need to include there
20 through the door enrollment."

21 A Correct.

22 Q What do you understand "excused from Tier
23 1 percent" to mean?

24 A Remember we talked earlier about by the
25 very nature of students being at a GNETS, they have

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1 additional behavior concerns. So that really looks
2 like at Tier I we have a very small percentage of
3 students, in that zero to one. That's what I think
4 that means.

5 So they may not have had to meet -- during
6 this year, they may not have had to meet that
7 criteria, which would change how the GNETS are
8 looked at and given their recommendation.

9 Q Why are GNETS programs excused from the
10 Tier I percent requirement?

11 A Like I said, the nature of students at the
12 GNETS and their behavior concerns probably are going
13 to have more than those zero to one office
14 referrals. And so what they in essence do would be
15 eliminate just about every alternative school
16 program and GNETS program from being able to be
17 recognized.

18 Q And who made the decision to exempt these
19 programs from that requirement?

20 A So that would have been a team decision.
21 If this was in May of 2019, I came in January of
22 2019. So probably the previous summer, in the
23 summer of 2018, when they were putting together the
24 requirements for the upcoming school year, it was
25 made at that time.

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1 Q Would it be surprising to you if a GNETS
2 program had a large percentage of its students
3 receiving only Tier I services?

4 A Depends on what those services are. Tier
5 I services in a GNETS may look very different than
6 Tier I services in a regular education program
7 because the needs are greater.

8 So Tier I means all students are receiving
9 it. So if we're providing intense one-on-one
10 intervention to every student, that's now a Tier I
11 intervention because everybody is getting it. So
12 that wouldn't surprise me.

13 Q You previously stated that if Tier I is
14 being implemented with fidelity, you would expect
15 ODRs to decrease, correct?

16 A Correct.

17 Q Would you expect this to be true with the
18 GNETS program as well?

19 MS. JOHNSON: Object to form.

20 A I would expect that. I would expect as
21 the fidelity of PBIS implementation increases, that
22 ODRs would also decrease.

23 MS. CHEVRIER: I'd like the court reporter
24 to mark this document as Plaintiff's Exhibit
25 685.

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1 (WHEREUPON, Plaintiff's Exhibit-685 was
2 marked for identification.)

3 BY MS. CHEVRIER:

4 Q This is an email thread between you, Mr.
5 Byars, Tammi -- from Tammi Clarke and on which
6 others are copied. Correct?

7 A Correct.

8 Q And the most recent email in this chain is
9 April 18, 2020?

10 A Correct.

11 Q And it's Bates No. GA00308757.

12 A Correct.

13 Q Do you recognize this email?

14 A I do.

15 Q Can we look at the email from April 14th,
16 2020, from Tammi Clarke to you and others.

17 It's on the bottom of that first page.

18 A Oh, got you.

19 Q Do you see where Tammi wrote: "I have a
20 question about GNETS...in the past we've waived the
21 Tier I % requirement for them...during our EOY group
22 meetings it came up there are other programs (like
23 alternative schools, etc.) who also have a difficult
24 time meeting that criteria"?

25 A Correct.

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1 Q Do you see your response from April 17th,
2 2020, in which you write: "I am not sure about
3 GNETS and the Tier I %. I think we have waived it
4 for GNETS and maybe Alternative Schools"?

5 A I do.

6 Q Do you see Tammi Clarke's response from
7 April 18th, 2020?

8 A I do.

9 Q In which she writes: "In the past we only
10 waived it for GNETS"?

11 A I do.

12 Q So we talked previously about the need for
13 the Tier I percent to be waived being based on the
14 likelihood of seeing more ODRs in the student
15 population, correct?

16 A Correct.

17 Q Why do you think that this was only waived
18 for GNETS programs and not alternative schools?

19 A I think in our alternative schools,
20 sometimes it's not the number of referrals that a
21 student has, it's the referral that a student has,
22 that gets placed in an alternative school.

23 So I think we're dealing with a little bit
24 different of a population. So I would imagine that
25 was probably part of the decision.

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1 I also know that kind of what I just
2 described a few minutes ago, when we are -- when
3 we're looking at this email dated April 18th, 2020,
4 that was also right after the beginning of COVID and
5 we didn't have end of year -- it was suspended for
6 the next two years. We didn't use our end of year
7 recognition system again until this past year.

8 And again we tried to rectify some of the
9 things that you see in this email by comparing like
10 schools to like schools, including our alternative
11 school programs.

12 MS. CHEVRIER: I'd like the court reporter
13 to mark this as Plaintiff's Exhibit 686.

14 (WHEREUPON, Plaintiff's Exhibit-686 was
15 marked for identification.)

16 BY MS. CHEVRIER:

17 Q This is an email from Tammi Clarke to a
18 number of people, including you, Mr. Byars, dated
19 July 25th, 2019. Correct?

20 A Correct.

21 Q Do you recognize this email?

22 A I do.

23 Q Do you see where she says: "Alternative
24 schools/GNETS don't have student records data, GOSA
25 data or Appleseed data"?

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1 A Correct.

2 Q What does GOSA data stand for?

3 A Governor's Office of Student Achievement.

4 Q And is the Governor's Office of Student
5 Achievement data?

6 A They have a discipline dashboard.

7 Q And it's your understanding that GNETS
8 doesn't have access to that dashboard?

9 A They have --

10 MS. JOHNSON: Object to form.

11 A They have -- they have access. Their data
12 is not reported there because they're not a school.

13 Q And what does Appleseed data mean to you?

14 A Again, Georgia Appleseed is -- I don't
15 know how to describe them. An advocacy group. They
16 really help students who are underserved and
17 marginalized, especially when it comes to
18 disciplinary hearing. They do a lot of work around
19 discipline. They have an educator's toolkit.

20 Again, they report out on schoolwide data.
21 And so because the GNETS and many alternative
22 programs aren't schools, they're data is not
23 reflected in the Appleseed data as well.

24 Q And what kind of discipline data appears
25 in the GOSA data?

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1 A I don't remember off the top of my head.

2 Q And is it your understanding that GNETS
3 doesn't have access to Appleseed data?

4 MS. JOHNSON: Object to form.

5 A They have -- when you say access to it,
6 it's on a website. It's public. Everyone has
7 access to it.

8 Q Does Appleseed work with GNETS programs?

9 MS. JOHNSON: Object to form.

10 A Appleseed doesn't work with schools at
11 all. They report data.

12 Q Okay.

13 A Does that make sense?

14 Q Yes. You had previously stated that
15 Appleseed is an advocacy organization that works
16 with and helps underserved students, correct?

17 A Students. Individual students.

18 Q So they don't work with schools but they
19 do work with students?

20 A Correct.

21 Q Is it your understanding that Appleseed
22 works with GNETS, with students who attend GNETS
23 programs?

24 A I don't know.

25 Q Do you know why the lack of this data

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1 would come up in the PBIS context for this email?

2 A Give me a second. I'll read through the
3 thread and see if I can help answer that question.

4 (Witness reviews exhibit.)

5 A So it looks like Sandy was preparing a
6 principal overview for schools or a district that
7 was coming up and she was looking for data to
8 access. So if, you know, there were leaders in
9 there from alternative schools or GNETS that were in
10 that training, that data wouldn't be available to
11 them to do their overview.

12 And I also see one of the concerns was
13 that that data, it's lagging data. It's usually a
14 couple years old.

15 So I think the -- the concern -- and again
16 when you see those numbered points from Tammi, it's
17 in reference to putting together that principal's
18 overview.

19 Q Thank you.

20 Do GNETS programs receive the same PBIS
21 training that general education public schools
22 receive from GaDOE?

23 A They do.

24 Q And who from regional GNETS programs
25 participate in those trainings?

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1 A So they'll have a school team, just like
2 we've described earlier.

3 MS. CHEVRIER: I'd like the court reporter
4 to mark this document as Plaintiff's Exhibit
5 687.

6 (WHEREUPON, Plaintiff's Exhibit-687 was
7 marked for identification.)

8 BY MS. CHEVRIER:

9 Q This is an email from Sandra DeMuth to
10 you, Mr. Byars, dated January 25th, 2019, correct?

11 A Yes.

12 Q It's Bates No. GA00298913, correct?

13 A Correct.

14 Q Do you see where she writes: "Could you
15 add Tier I booster and Tier II training for GNETS?"

16 A Yes.

17 Q And do you see where she writes: "The
18 programs and sites could really use a PBIS booster
19 and they want to include this"?

20 A Yes.

21 Q What did you understand "could really use
22 a PBIS booster" to mean?

23 A So do you remember a little while ago we
24 were talking about if I have a school team and
25 through attrition many of those school team members

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1 leave and new staff members come, those staffs
2 weren't -- those new staff members were not involved
3 in the original training.

4 So when that happens, we offer these types
5 of boosters, so we get the new team kind of up to
6 speed. So we may have five people on the team,
7 three of them may be new and two of them may have
8 been in the original training. So it sounds like
9 Lara Sims was asking for a booster, probably a
10 scenario like that.

11 That happened -- generally boosters are
12 requested when there's been a change on that school
13 team.

14 Q Do you see where she writes -- do you see
15 where Sandra writes: "I think this might need to
16 look somewhat different than what we already do but
17 I'm not sure what that needs to look like without
18 doing some consulting with GNETS folks."

19 A Uh-hum. I see that.

20 Q Did you -- do you agree that it needed to
21 look different for GNETS?

22 A Did I agree? Did I agree or do I agree?
23 Because I don't see a response after this from me.

24 Q So do you agree, standing here now, that
25 training for GNETS might need to look different than

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1 training for other schools?

2 A It does. We need to -- we provide that
3 same training.

4 The training I'm not sure needs to look
5 different, but definitely the coaching needs to look
6 different. And I'm imagining when she's talking
7 about that booster, boosters are very specific. So
8 if I'm developing a booster, it's going to be
9 specific to that school.

10 So in a training, it's usually multiple
11 schools in a training. So we may have five, 10
12 schools in a training. The boosters are, hey, Jason
13 can you come to our school and provide that.

14 Those, I think, need to look different.

15 Q Do you know whether she did consult with
16 people from GNETS after this email exchange?

17 A Sandy consulted with GNETS all the time.
18 She was our liaison. She was really good. She kept
19 a pulse, and I would imagine today she's still doing
20 that.

21 Q Do you know what, if anything, she learned
22 about what the booster described in this email
23 needed to look like?

24 A I don't know.

25 Q Let's refer back all the way to the Hall

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1 County PowerPoint, which I believe was Exhibit 675.

2 Once you have it, let's turn to Page 18.

3 Or Slide 18.

4 Do you see where it states, "Centers for
5 Disease Control and Prevention Report - June 2019"?

6 A I do.

7 Q And then it says that it tracked over
8 14,000 middle and high school students over 20
9 years?

10 A Correct.

11 Q And then it quotes, it says: "Students
12 who felt connected to their school and family
13 adolescents grew up safer and with better mental
14 health than those who were disconnected as
15 teenagers"?

16 A Correct.

17 Q And you created this PowerPoint?

18 A I did.

19 Q We discussed that earlier?

20 A I did.

21 Q Why did you include this?

22 A Because it speaks to the importance of
23 school climate and culture. It speaks to the
24 importance of why we need to connect with our
25 students. Teenagers need something to be connected

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1 to. If they're not connected to something positive,
2 they're going to find something else to connect to,
3 unfortunately. So we need to provide that.

4 And my point in putting this slide in for
5 educators is, don't listen to just what educators
6 are saying. This is the Centers for Disease
7 Control. This is what doctors are saying needs to
8 happen with our adolescents. It's not just PBIS.
9 It's this is the medical community, and the
10 follow-up slide is the most powerful.

11 Q And what does it mean for a student to
12 feel connected to their school?

13 A You know, one of the things that we often
14 ask students is, who's your trusted adult here? Is
15 there somebody in this building you can go to? Who
16 are you involved with? How are you connected?

17 I remember as a principal I used to tell
18 my students, you can't do everything at school, but
19 you can do something at school, and you can do
20 something that connects you to your school and it's
21 going to make your education more meaningful, if you
22 feel a part of something.

23 And it was a requirement in my own home
24 personally for my own daughters, because I know the
25 value of that.

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1 Q And what are some examples of things that
2 students do to feel connected to their schools?

3 A Be part of a club, an art, a sports team.
4 Volunteer. Have -- you know, have a peer group.
5 Have a trusted adult at school.

6 Q Do you believe that PBIS helps students
7 feel connected to their schools?

8 A I do.

9 Q And so you somewhat touched on this.
10 Based on your experience and education, do
11 extracurricular activities help students feel
12 connected to their schools?

13 A They do.

14 Q Could going to school with other children
15 from your neighborhood help students feel connected
16 to their school?

17 A It could.

18 Q Having the opportunity to attend school
19 functions, like pep rallies or school dances, help
20 students feel connected to their school?

21 A They could.

22 Q Do you have any other examples we haven't
23 mentioned of ways that students feel connected to
24 their schools?

25 A Not off the top of my head. You know, I

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1 think being connected at school -- I like to -- I
2 like whatever the environment, whatever the school,
3 find some way to get involved.

4 There's magnet schools for arts. We have
5 magnet schools for science. We have -- you know,
6 find something at your school, whatever school that
7 is, that you can get invested in. Make that, make
8 that your community. Wherever that building is,
9 wherever that location is make that your community.

10 Q And what is your concern if students don't
11 have access to those sorts of things? What might
12 result?

13 MS. JOHNSON: Object to form.

14 A The next slide. This is why I include
15 this in here.

16 Connected adult -- adolescents were less
17 than half as likely to be victims of physical
18 violence, use illicit drugs, or be diagnosed with
19 sexually transmitted diseases in their 20s and 30s,
20 which is a significant decline in risk.

21 Being a part of something reduces a lot of
22 risk. Being a part of something increases the
23 chance you go graduate, increases your friend group,
24 makes you have healthy relationship.

25 We talked about our sources of strength.

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1 Help relationships is one of those sources of
2 strength. It gives you something to draw on when
3 you're having a tough time.

4 Q What is the Interconnected Systems
5 Framework?

6 A Interconnected Systems Framework is the
7 blending of PBIS and mental health supports.

8 Q And what is your opinion of the
9 Interconnected Systems Framework?

10 A It's vital to its -- ISF, Interconnected
11 Systems Framework, really is PBIS now. ISF was a
12 term that was used early on as we were beginning
13 that integration, and now we don't really talk about
14 PBIS without the mental health aspect.

15 So people call it PBIS 2.0, but what we're
16 really moving to is just the way that we, that we
17 train at PBIS, and it's one of the things that we
18 were changing in our Tier I training and all of our
19 trainings, is we have to show how mental health
20 supports are integrated at Tier I.

21 Q And why is it important?

22 A Um, behaviors communication, and
23 oftentimes things that are going on in our student's
24 personal lives, that behavior is communicating some
25 of those things. Anxiety, depression, loneliness,

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1 homelessness, sexual abuse.

2 So we had to be trained to see that and
3 recognize that and, you know, the students are
4 sending us those signals of what's going on in their
5 lives and we have to be trained and aware of them so
6 that we can pick up on them.

7 Q Are you familiar with Apex?

8 A I am familiar with Apex.

9 Q What is Apex?

10 A Roughly, loosely, Apex is being able to --
11 they provide mental health supports and counseling
12 in the schools and they partner with schools and
13 districts.

14 Q So is it accurate to say that Apex
15 provides services in some schools in Georgia?

16 A Yes.

17 Q And can Apex provide mental health
18 clinicians for some schools in Georgia?

19 A I don't -- I'm not sure everything that
20 Apex provides.

21 Q And how, if at all, does PBIS interact
22 with Apex services?

23 A Apex probably provides services in PBIS
24 schools, but that's probably about it.

25 MS. CHEVRIER: I'd like the court reporter

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1 to mark this as Plaintiff's Exhibit 688.

2 (WHEREUPON, Plaintiff's Exhibit-688 was
3 marked for identification.)

4 BY MS. CHEVRIER:

5 Q This is an email between you, Mr. Byars,
6 and Justin Hill, from September 17th, 2020, correct?

7 A Correct.

8 Q And he was forwarding you an email from
9 Deborah Gay; is that correct?

10 A Yes, correct.

11 Q And it's Bates No. GA01045886?

12 A Yes.

13 Q Who is Justin Hill?

14 A Justin Hill is the associate
15 superintendent at the Georgia Department of
16 Education.

17 Q And he's the same person who you reported
18 to initially when you first worked at GaDOE?

19 A Not initially. I initially reported to
20 Zelfhine Smith-Dixon, then to Garry McGiboney, then
21 to Justin Hill. So when I retired, Justin was my
22 direct supervisor.

23 Q And who is Deborah Gay?

24 A Deborah Gay was the former special --
25 director of special education before Zelfhine

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1 Smith-Dixon, I believe.

2 Q And that's at GaDOE?

3 A That's correct.

4 Q And in the email from Deborah that Justin
5 is forwarding to you, she wrote: "We are working
6 with APEX project to bring this into Georgia and it
7 will create a great opportunity for PBIS schools
8 working with the APEX project." Correct?

9 A That's what it says.

10 Q What did you understand this to mean?

11 A I think Justin was giving me some
12 background information.

13 So as I kind of look through the timeline
14 of this, this is when I was working -- the initial
15 email was when I was working in Griffin Spalding
16 County schools as the Project AWARE and PBIS
17 district coordinator.

18 Susan Barrett -- you asked about ISF. She
19 wrote the monograph for ISF. She came to Georgia to
20 train us on the Interconnected Systems Framework.

21 Looks about the same time that Debbie was
22 -- sent this email to some people on the PBIS team,
23 and she must have been working at the same time with
24 Apex to bring their services to Georgia. It doesn't
25 sound like maybe they were in Georgia at that time.

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1 But because all the AWARE districts that
2 are on this email, they were all PBIS districts. So
3 I don't know if she was generalizing that Susan was
4 coming to work with PBIS districts.

5 Q Do you agree that students that utilize
6 the PBIS framework can additionally benefit from
7 using Apex services?

8 A I agree with that.

9 Q To your knowledge, do GNETS programs have
10 access to Apex services?

11 A I don't know. I don't know the answer to
12 that.

13 Q So I assume based on your resume that you
14 are aware of Project AWARE. Is that correct?

15 A I am.

16 Q What is Project AWARE?

17 A Project AWARE, Advancing Wellness and
18 Resiliency in Education.

19 It is a grant from the Substance Abuse and
20 Mental Health Services Administration. We'll refer
21 to that from here on out as SAMHSA, and it provided
22 money, a grant to states. States then chose LEAs to
23 work with, and it was about the integration of
24 mental health services and supports into the
25 schools.

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1 Q And is it useful for students with
2 emotional and behavioral disabilities to be a part
3 of a Project AWARE school?

4 A Yes, it is.

5 Q Can Project AWARE help create school-based
6 mental health programs in schools?

7 A Yes, it can.

8 Q And can it help create school-based mental
9 health programs in schools that are staffed by
10 mental health clinicians?

11 A Ask that one more time to me.

12 Q Sure. So you said before that Project
13 AWARE can help create school-based mental health
14 programs, correct?

15 A Correct.

16 Q Are those school-based mental health
17 programs ever staffed by mental health clinicians?

18 A Um, the states that have implemented
19 Project AWARE have all done it differently.

20 We had district level clinicians, not
21 school-based clinicians. It's, it's a little nuance
22 but it's a big difference. So I had one clinician
23 who covered maybe a group of schools and provided
24 supports.

25 So ask the question one more time.

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1 Q Sure. So would -- is it correct to say
2 that mental health clinicians provided school-based
3 mental health services, it's just that some of those
4 clinicians served multiple schools?

5 A Correct, yes.

6 Q And what purpose do mental health
7 clinicians serve?

8 A One of the key things is students that are
9 in crisis, being able to help. So many of our
10 school counselors, they're not trained in handling
11 those types of really significant crises, especially
12 students who are having suicidal ideations. Having
13 somebody that's trained to handle that is really
14 important. So we use them in those crises-type
15 situations.

16 We also use them at Tier II to provide
17 some of -- we talked about skilled groups a lot
18 today. Used our clinicians to provide some of those
19 skill groups, grief groups, loss groups, groups to
20 self-regulate.

21 So clinicians provided those types of
22 supports to the schools and to the students.

23 Q And what are the benefits of school-based
24 mental health programs?

25 A So the -- one of the -- when we first

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1 began this work in 2015, one of the biggest barriers
2 was the stigma. You know, now on TV a lot of nights
3 we hear so-and-so speaking out about their mental
4 health, so-and-so is advocating to raising money for
5 mental health. That wasn't going on seven, eight
6 years ago, and the stigma was really there.

7 And so because of that, oftentimes parents
8 wouldn't take their children or even recognize that
9 their students were in crisis because many of them
10 were living with mental illnesses as well, and so
11 they weren't recognizing those.

12 So by being able to train staff members
13 and have people in the schools recognize that and
14 provide those services, one, it eliminated the
15 stigma, and we knew we were able to get the services
16 to the kids because they were in school.

17 And parents were much more inclined to
18 have someone come to the school and work with their
19 child than they were to have to take them to a
20 counselor's office. The stigma around that still is
21 very great.

22 The districts that we were serving, there
23 was a lot of poverty. Transportation was an issue.
24 Oftentimes parents, they didn't have cars just to
25 take them to a counselor or take them to a therapist

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1 or take them to a hospital. So we had to be able to
2 provide those things in the school system.

3 So the benefits are just -- I mean we
4 could be here a few more days to really talk about
5 just the changes that I've seen when we're able to
6 provide those school-based mental health services.
7 It's just -- it opens the doors.

8 There's an imbalance in education.
9 There's an imbalance in people knowing how to
10 navigate systems and navigating medical personnel.
11 I have people, a daughter that's in crisis, that's
12 suicidal and the mom is saying, Mr. Byars, I don't
13 even know who to call.

14 People don't even know how to navigate the
15 system. But if they have a relationship with their
16 school and they trust them, then we can help them.

17 MS. CHEVRIER: I'd like the court reporter
18 to mark this document as Plaintiff's Exhibit
19 689.

20 (WHEREUPON, Plaintiff's Exhibit-689 was
21 marked for identification.)

22 BY MS. CHEVRIER:

23 Q This is an email from you, Mr. Byars, to
24 Garry McGiboney, dated March 10th, 2020, correct?

25 A Correct.

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1 Q And it's Bates No. GA00307769?

2 A Correct.

3 Q Do you recognize this email?

4 A I do.

5 Q Attached is a draft white paper about
6 Project AWARE, correct?

7 A Correct.

8 Q Do you recognize the attachment?

9 A I do.

10 Q The attachment is at Bates No. GA0030770?

11 A Correct.

12 Q Who created this white paper?

13 A I did.

14 Q Why did you create this white paper?

15 A If you'll see on Page 2, Project AWARE,
16 SAMHSA had announced another round of funding of
17 Project AWARE grants, and I was creating a white
18 paper to submit to the superintendent for
19 documentation of why I thought the State of Georgia
20 should submit another application to receive another
21 round of funding from SAMHSA for Project AWARE in
22 our state.

23 Q On page -- underneath the title on that
24 first page, it says: "A 'focus' on partnerships in
25 collaboration between state and local systems

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1 promote the healthy development of school-aged youth
2 and prevent youth violence." Correct?

3 A Correct.

4 Q If we turn to Page 2, Bates No.
5 GA00307771.

6 Under Problem Statement, do you see where
7 it reads: "Students living with mental illness are
8 more likely to drop out of school, enter the
9 juvenile justice system, and die by suicide"?

10 A I do.

11 Q Do you agree with that statement?

12 A I do.

13 Q Does this describe part of the problem
14 Project AWARE was seeking to address?

15 A It does.

16 MS. CHEVRIER: It may make sense to take a
17 break.

18 THE VIDEOGRAPHER: The time is 4:44 p.m.,
19 and we are off the record.

20 (A recess was taken.)

21 THE VIDEOGRAPHER: The time is 5:19 p.m.,
22 and we are on the record.

23 MS. CHEVRIER: I'm going to ask the court
24 reporter to mark this as Plaintiff's Exhibit
25 690.

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1 (WHEREUPON, Plaintiff's Exhibit-690 was
2 marked for identification.)

3 BY MS. CHEVRIER:

4 Q Mr. Byars, this is an email between you,
5 someone named Sarah, and Cheryl Benefield copied,
6 dated June 30th, 2016, correct?

7 A Correct.

8 Q And who is Cheryl Benefield?

9 A Cheryl Benefield worked with the
10 Department of Education. She worked with the
11 Project AWARE grant, and she worked in the Office of
12 Whole Child.

13 Q And who is the Sarah that sent this email?

14 A All right. So since the subject is a
15 GCASE Conference Presentation Proposal, she must
16 have been the person at GCASE that was taking the
17 proposals for presentations at the conference, and
18 it looks like Cheryl and I were doing a presentation
19 at the GCASE conference.

20 Q What is GCASE?

21 A Georgia Council -- it's special educators.
22 Georgia Council or Association for Special
23 Educators.

24 Q Is your facial expression indicating that
25 that's an estimation of what --

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1 A That is an estimation. Like we said,
2 we're really good at acronyms, and I sometimes
3 forget what they mean.

4 Q No worries.

5 This was sent to your email
6 jason.byars@gscs.org. Is that right?

7 A That's correct.

8 Q Does GSCS stand for Griffin Spalding
9 County Schools?

10 A It does.

11 Q And so is it correct that you sent this
12 email when you were a district coordinator of
13 Project AWARE and PBIS for Griffin Spalding County
14 Schools?

15 A Correct.

16 Q Let's turn to the email.

17 Do you see where you wrote: "I recall
18 sitting through countless IEP, SST, and 504 meetings
19 where we struggled to find the answer for the
20 behaviors we were experiencing. What I have learned
21 since joining Project AWARE is that we are
22 approaching the child all wrong"?

23 A Yes.

24 Q Do you see where you continued: "Yes, we
25 discussed the function of the behavior but now we

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1 are exploring what is the root cause of the
2 function. It has been eye opening"?

3 A Yes.

4 Q What did you mean when you wrote that you
5 had previously been, quote, "approaching the child
6 all wrong"?

7 A So we weren't looking at it from that
8 skill perspective and that skill deficit. We
9 weren't looking at it as -- we were looking at the
10 functions of the behavior, but we weren't looking at
11 really what the root cause, why were they seeking
12 the attention, why were they trying to escape.

13 And so it was really about how do we get
14 to that root cause of behavior and really be able to
15 help the child.

16 Q And how was Project AWARE eye-opening for
17 you?

18 A Project AWARE -- and this presentation
19 looks like it's also about the universal screening
20 tools that we talked about. So Project AWARE was
21 eye-opening in numerous ways, universal screening
22 being one of those, and I think that's what this is
23 getting to the root of it. We probably were doing a
24 conference presentation proposal on the universal
25 screening tools that we were using.

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1 But those universal screening tools really
2 helped identify -- we talked about earlier things
3 that we weren't looking at, like those internalizing
4 behaviors.

5 And so I say here that that tool has been
6 very valuable in that process of helping to get to
7 some of those root causes, you know, what are child
8 -- what are children experiencing.

9 Q And are they universal screeners that
10 you've discussed here the same universal screeners
11 we were discussing previously --

12 A Yes.

13 Q -- like the SRSS?

14 A Yes, ma'am. The SRSS in the elementary
15 school. The SDQ in the secondary schools.

16 Q Are you a proponent of Project AWARE?

17 A I'm a huge proponent of Project AWARE.

18 Q How, if at all, does PBIS interact with
19 Project AWARE?

20 A The State in the first Project AWARE
21 grant, when I was in Griffin, identified schools
22 that were implementing PBIS or in the process of
23 adopting PBIS, understanding that those mental
24 health services, we were going to approach that as a
25 tiered approach. The strength of PBIS was the

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1 schools and districts already understood that tiered
2 approach model, so that we didn't have to go and
3 teach that whole model. They understood that. Now
4 we just showed here's how mental health supports get
5 layered into the framework you've already built.

6 Q Thank you.

7 You mentioned the first Project AWARE
8 grant?

9 A Correct.

10 Q How many Project AWARE grants have there
11 been?

12 A So we are in the second Project AWARE
13 grant right now. The State received 2020 -- 2020 or
14 2021 -- I think it was 2020, and so the State
15 received a second Project AWARE grant following the
16 first one that ended in 2019 and identified three
17 more LEAs, and we're currently implementing it
18 again.

19 Q Is it correct that the first Project AWARE
20 grant also covered three LEAs?

21 A That's correct.

22 Q Of which one was Griffin County -- Griffin
23 Spalding County schools?

24 A Correct.

25 Q So now in the second grant, is it three

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1 additional LEAs?

2 A Three additional.

3 Q To your knowledge, did any GNETS programs
4 participate with Project AWARE?

5 A I can tell you about Griffin Spaulding.
6 GNETS was part of, you know, everything that we did.
7 So I worked with the GNETS site, the alternative
8 school site, just like I would any other school.

9 Q And so that was Mainstay Academy in
10 Griffin?

11 A Mainstay Academy. That's the only one I
12 can speak to directly.

13 Q And so because the LEA, Griffin County
14 Spaulding -- Griffin Spaulding County schools received
15 the Project AWARE grant and was one of the sites,
16 the GNETS program, that -- that the LEAs serves as
17 the fiscal agent also included the GNETS program in
18 the programming; is that correct?

19 A Correct.

20 Q If an LEA received the Project AWARE grant
21 but they weren't a fiscal agent for a GNETS program
22 but maybe they just sent students to that GNETS
23 program, do you know whether those students would
24 benefit from Project AWARE?

25 A If that site was in an LEA that was

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1 participating with Project AWARE, it's about the
2 site, it's not about -- it's not about the school
3 system where the students were from.

4 I guess is that what you're asking?

5 Q Sure. So as an example, Bibb County sends
6 students to Elam Alexander?

7 A Correct.

8 Q But Bibb County is not a fiscal agent for
9 Elam Alexander?

10 A Got you.

11 Q If Bibb County were to participate in
12 Project AWARE, do you know whether or not that means
13 the students it sends to a GNETS program would
14 benefit from Project AWARE?

15 A I don't know the answer to that. Bibb
16 County is actually one of the LEAs for the current
17 Project AWARE, but I don't know how they're handling
18 that. I just don't know.

19 Q Would that be an LEA decision?

20 A It would be.

21 Another example, and I think this is kind
22 of what you were also getting to, when I was in
23 Griffin we had students from other districts who
24 came to Mainstay Academy. Well, they benefitted
25 because they were part of the -- of that GNETS site.

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1 Q Thank you. That's helpful.

2 What were the benefits that Mainstay
3 Academy saw through the Project AWARE grant?

4 A Some of the things that we did, you know,
5 for all schools. Youth mental health First Aid
6 training. Many of the staff at GNETS got trained in
7 the youth mental health First Aid, if not all of
8 them. So that was, that was a big deal.

9 I previously mentioned we did not do the
10 screening at GNETS. That was a decision that we
11 made. We just felt like probably that wasn't
12 needed.

13 The additional mental health supports that
14 were provided to all schools, the GNETS had access
15 to those.

16 A lot of the training and professional
17 learning that we did, Lauren Flanigan was their PBIS
18 district coordinator. And so the PBIS district
19 coordinator also oversaw the Project AWARE grant
20 implementation. So it was nice to have that, that
21 unit.

22 She received all the trainings and all the
23 professional learning.

24 Q To your knowledge, do any GNETS programs
25 have school-based mental health services staffed by

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1 mental health clinicians?

2 A I don't know the answer to that.

3 Q Are you familiar with CSBs?

4 A I am familiar with Community Service
5 Boards.

6 Q And what are Community Service Boards?

7 A They're local agencies that are there to
8 help provide counseling services to our students.

9 Q How, if at all, does PBIS interact with
10 CSBs?

11 A Really another Tier III, when we're taking
12 a look at requesting assistance and writing
13 memorandums of understanding, to partner with people
14 to help, help us with our students with some
15 significant behaviors.

16 One of the first people I would tell
17 people to reach out to are your local Community
18 Service Boards, reach out to your CSB and see if you
19 can write a memorandum of understanding with them,
20 see if they could partner with you to come in and
21 provide support and provide training.

22 Q And so that partnership can look like CSB
23 is sending people to schools?

24 A Yes.

25 Q And are you familiar with Georgia

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1 Appleseed's Bridges to Behavioral Wellness program?

2 A I'm not familiar with that.

3 MS. CHEVRIER: I'm going to ask the court
4 reporter to mark this document as Plaintiff's
5 Exhibits 691.

6 (WHEREUPON, Plaintiff's Exhibit-691 was
7 marked for identification.)

8 BY MS. CHEVRIER:

9 Q This is an email from Terrence Wilson to
10 Talley Wells and Michael Waller, with undisclosed
11 additional recipients. Is that correct?

12 A It is.

13 Q Do you recognize this email?

14 A It's not ringing a bell to me.

15 Q Do you see in the last paragraph on the
16 first page, and that's Bates No. GA00298789, where
17 it says "Georgia Appleseed's Bridges to Behavioral
18 Wellness project will identify why many of Georgia's
19 school children do not receive needed behavioral
20 health and autism services, and develop the policy
21 solutions that will ensure children get the services
22 they need"?

23 A I see that.

24 Q Do you have any reason believe that that
25 information is inaccurate?

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1 A That it isn't accurate?

2 Q That, that it is inaccurate? Do you
3 have --

4 A Inaccurate?

5 Q -- any reason to believe it is inaccurate?

6 A I don't have -- I don't really have an
7 opinion.

8 Q Are you familiar with Sources of Strength?

9 A I am familiar with Sources of Strength.

10 Q What is Sources of Strength?

11 A Sources of Strength is an upstream
12 approach to suicide prevention. It identifies eight
13 areas, and basically what Sources of Strength does,
14 it's a program that's implemented at elementary
15 schools and secondary schools, and it identifies
16 that -- it basically says we're all going to go
17 through tough times, and when we go through tough
18 times, what's your source of strength? What do you
19 lean on in order to help get you through those tough
20 times?

21 So they identify eight things: Positive
22 friends, healthy activities, spirituality. So
23 there's eight things that are identified.

24 The schools who adopted it at the
25 secondary level, they run campaigns and each month

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1 the school will focus on one of those eight sources
2 of strength. And so trusted adults is one of the
3 first campaigns you do. We all identify who our
4 trusted adults in our building, and it's a
5 student-led organization.

6 At the elementary school, it's a Tier I
7 curriculum. So it's an actual curriculum, and it
8 does some of the similar things, and it focuses on
9 giving students hope, health, and strengths and
10 instead of, you know, us focusing on fear and
11 despair.

12 Q To your knowledge, do schools in Georgia
13 participate in --

14 A They --

15 Q -- sources of strengths?

16 A I'm sorry. They do.

17 Q Are you aware of GNETS programs
18 participating in sources of strength?

19 A I don't know all the schools.

20 Q Are you familiar with the Bureau of
21 Justice Administration grants?

22 A I'm not. Seems like I should be. It's
23 vaguely familiar but I have a tough time recalling
24 exactly what they are.

25 Q You mentioned a few times the school

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1 climate transformation grant; is that correct?

2 A That's correct.

3 Q What is the school climate transformation
4 grant?

5 A The school climate transformation grant is
6 designed to expand PBIS implementation in our state.

7 MS. CHEVRIER: I'd like the court reporter
8 to mark this as Plaintiff's Exhibit 692.

9 (WHEREUPON, Plaintiff's Exhibit-692 was
10 marked for identification.)

11 BY MS. CHEVRIER:

12 Q This is an email from you, Mr. Byars, to
13 Curlandra Smith and Rebecca Blanton, dated May 11,
14 2020, correct?

15 A Correct.

16 Q And it is Bates No. GA00309926. Is that
17 correct?

18 A Correct.

19 Q Do you recognize this email?

20 A I do.

21 Q Attached to the email is an attachment
22 entitled "Letter of Commitment Distinguished Schools
23 3.0.docx" and "Bibb County SCTG Invitation
24 Letter.docx." Correct?

25 A Correct.

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1 Q And who is Curlandra Lightfoot-Smith?

2 A Curlandra is the district coordinator at
3 PBIS in Bibb County schools.

4 Q And let's turn to the page with
5 Bates-stamp GA00309930. It's the last page.

6 A Okay.

7 Q Do you see where there is a list of the
8 resources available through the SCT grant?

9 A I do.

10 Q And it includes Youth Mental Health First
11 Aid Training, correct?

12 A It does.

13 Q And that's what you just mentioned, that
14 that's sometimes provided as part of Project AWARE;
15 is that correct?

16 A So Youth Mental Health First Aid Training
17 was initially provided by Project AWARE. Now it's
18 provided across the State.

19 Q And do you see on this list that it
20 includes Tier III training?

21 A It does. I see that.

22 Q So is it possible for schools to get Tier
23 III training through the SCT grant?

24 A Not yet. It just hasn't been developed.
25 But we use school climate transformation

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1 grant funds to help develop that Tier III training.
2 That was one of the goals of the grant, was to
3 develop the Tier III training.

4 And so we're close to rolling it out.

5 Q Got it. So this is not referencing some
6 other Tier III training, this is referencing the
7 same one we've been discussing --

8 A Correct.

9 Q -- that's now complete?

10 A In development, yes.

11 Q And do you see that it includes ISF
12 training?

13 A Correct.

14 Q So PBIS interacts with the SCT grant
15 because the SCT grant is created to help further
16 implementation of PBIS; is that accurate?

17 A That's accurate.

18 Q And do you know if these grants are
19 provided to LEAs or to specific schools?

20 A So this grant is for all of Georgia
21 schools. One of the things early on, in looking at
22 the date, this was one of -- this is right after we
23 received the grant and we were looking for ways we
24 were going to expand the breadth.

25 Remember I talked about we were going to

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1 expand the breadth and the depth of what we were
2 doing in PBIS. One of the things we wanted to
3 expand was, you know, with that breadth, what else
4 could we offer some of our schools, and so these
5 were some of the things that as we talked to schools
6 and districts and LEAs that they would like to see
7 us expand to offer more of.

8 Q And do GNETS programs benefit from the SCT
9 grant?

10 A All schools. This is for all schools.

11 Q Are there any additional systems or
12 frameworks that GaDOE has tried pairing with PBIS to
13 improve the nature of services that students
14 receive?

15 A We have. We work with the MTSS unit at
16 the Department of Education. You heard me very
17 early on saying PBIS is a multitiered system of
18 support. We've held a joint conference with the
19 MTSS unit. Karen Suddeth, another program manager,
20 invited each other to our monthly webinar so then we
21 could share.

22 And now PBIS is with the Office of Whole
23 Child. You know, I did a co-presentation with our
24 director of school nutrition. Any opportunity that
25 we could find to cross-collaborate at the department

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1 of -- Georgia Department of Education, we look for
2 those opportunities.

3 Q Is there any framework other than PBIS
4 that's used in Georgia that helps provide behavioral
5 interventions for students?

6 A MTSS. If it's not a PBIS district and
7 they're implementing MTSS. MTSS has an academic and
8 behavior side.

9 Q And there's a behavior side of MTSS that's
10 separate from PBIS?

11 A It could be. So if you don't want to
12 implement the PBIS framework but you still need to
13 address behavior concerns, the MTSS framework, you
14 could definitely do that.

15 Q Are there any frameworks outside of PBIS
16 or MTSS that operate similarly?

17 A Not to my knowledge.

18 Q You mentioned earlier that you worked with
19 mental health clinicians Ethan, Dana, and Kelly; is
20 that right?

21 A Correct.

22 Q And was that when you were at Griffin
23 Spalding County schools?

24 A That's correct.

25 Q What were their credentials as mental

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1 health clinicians?

2 A All right. Ethan was -- Ethan was a
3 licensed master social worker, LMSW. Kelly was a
4 licensed professional counselor. Dana was a
5 certified school counselor and a licensed
6 professional counselor.

7 Q Thank you.

8 We've talked a lot about the importance of
9 coaching. Is that accurate to say?

10 A We have.

11 Q How effective is GaDOE at providing
12 coaching to LEAs?

13 A Yeah.

14 MS. JOHNSON: Object to form.

15 Go ahead.

16 A I think, again, I think I mentioned
17 earlier, that's kind of where the sweet spot is.
18 You know, when you say GaDOE, I'm going to talk
19 about GaDOE School Climate Team because that's what
20 I know. That's where our passion is. That's what
21 we really do well. That's what sets apart a regular
22 professional learning and training from what we do,
23 and I used to call that world class professional
24 learning. When people say, you know, Jason, why do
25 you call it world class professional learning? It's

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1 because we have the coaching that goes along with
2 it, and to me that's the key.

3 Q And did you supervise the coaching of the
4 different TA specialists who reported to you?

5 A Did I supervise the coaching?

6 Q Like how were you made aware of the
7 effectiveness of their coaching?

8 MS. JOHNSON: Object to form.

9 A I would say that was kind of like, as a
10 building level principal, done by exception. You
11 know, I was in close contact with the school climate
12 specialist. We met quarterly. I had, and still
13 have, great relationships with them.

14 Again, you build relationships so people
15 are honest with you, and there was sometimes that I
16 got feedback that we weren't performing like we
17 should have and we had those conversations.

18 So just keeping that open feedback, but I,
19 I didn't directly go and supervise them when they
20 were coaching.

21 Q Do you think that anything can be done to
22 improve the coaching that GaDOE provides?

23 A I think we can always look for ways to get
24 better and improve.

25 One of the things that our team's really

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1 good at is evaluating everything that we do, and
2 that's the reason why, is we want to get better and
3 we want to provide better training and services.

4 We're always constantly looking to
5 improve. That's why when I first got there, we
6 revamped our Tier I training based on feedback.
7 Everything that we develop is based on our feedback
8 from the people that we're serving.

9 Q And we talked about how there are a number
10 of schools that remain at the installing or emerging
11 level for multiple years; is that right?

12 A Correct.

13 Q What could GaDOE be doing to help those
14 schools who are stalling at those levels?

15 A Right. So I mentioned earlier, we kind of
16 work with the living. We have 1,500, 1,700 schools
17 that are now implementing, and we really try and
18 support every single one of them.

19 Unfortunately, we have some schools that
20 it's not a priority for whatever reason, and they've
21 stalled out. That's a good word to use. They've
22 kind of stalled out.

23 We can encourage we, can reach out to
24 them, and the TA specialists do, and the school
25 climate specialists do, reach out to the district

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1 coordinators. We just have some people that have
2 stalled.

3 Q And what does that encouragement look
4 like?

5 A Phone calls, visits. You know, what can
6 we do, what do you need, how can we support you
7 guys.

8 Sometimes you get response, sometimes you
9 don't.

10 Q Is there anything else that you think
11 GaDOE could be doing to help schools that are
12 stalling?

13 A I'm sure -- yeah, I'm sure there are, you
14 know, thinking of -- thinking of them off the top of
15 my head right now.

16 You know, for us it all goes back to the
17 relationship and making sure that that's -- that
18 that's solid.

19 One of the keys is getting to the root
20 cause of why they stalled. It's the same thing with
21 behavior. Why have they stalled? Has there been a
22 change in leadership? You know, what has changed?
23 What's changed since they signed that letter of
24 agreement with us? And really trying to problem
25 solve that with them.

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1 The main thing is just constantly being in
2 contact and letting them know, like, when you're
3 ready, we're here. And you just got to meet people
4 where they are.

5 You know, you asked about it being
6 mandatory. It's also one of those things we don't
7 want to force. We want you to want to do this.

8 Q Similarly, what I'm interested to hear if
9 there's a distinction for you, is there anything
10 that you think GaDOE could be doing for the schools
11 that spend years just implementing Tier I?

12 A That really is the encouragement piece.
13 Like, okay, you've got this, let's add Tier II,
14 let's take a look at your student needs.

15 Oftentimes it's the data. When you
16 present schools and districts with, hey, this is
17 what -- this is what your system or this is what
18 your school looks like, that's what they really
19 need. They need to really see the reality of where
20 they are.

21 And then it's kind of hard to deny that.
22 For so many people these past few years, they just
23 don't have the time and the resources and the people
24 to send the trainees and those kinds of things. And
25 I get that, I understand that.

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1 Q Let's refer back to Exhibit 686. This was
2 the email from Tammi Clarke to Sandra DeMuth,
3 yourself, and a number of other recipients.

4 Do you see where at the top of the email
5 says "Great questions ... and several issues"?

6 A Yes.

7 Q And this is Bates-stamped GA00302987?

8 A Yes.

9 Q Under No. 1, which we talked about
10 previously, it says: "Alternative schools/GNETS
11 don't have student records data, GOSA data, or
12 Appleseed Data," correct?

13 A Correct.

14 Q What do you understand "don't have student
15 records data" to mean?

16 A Again, this email was in reference to a
17 principal's overview that was coming up, and in
18 those overviews we drill down and we take a look at
19 data.

20 So what Tammi was saying is we don't have
21 access to that data for the principals that are
22 going to be in there, if they're from a GNETS or
23 alternative school.

24 Q And by "we don't have access," you mean
25 the GNETS directors don't have access?

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1 A It doesn't exist because they are a
2 program and not a school.

3 Q And so when you say it doesn't exist, do
4 you mean the data was never observed or that the
5 data doesn't exist in a way you can pull from it?

6 A It doesn't exist in a way you can pull
7 from it. For Governor's Office of Student
8 Achievement, it doesn't exist. Appleseed data, it
9 doesn't exist in those platforms.

10 Q Does it exist in different platforms?

11 A Let me look and see what specifically that
12 they're looking at.

13 What can we do if the principals or DCs
14 can't access student record data. And that sounds
15 like some of the data that we would pull from SWIS
16 or Infinite Campus or those kinds of things. So may
17 not exist.

18 Q And we've talked a little bit about how
19 sometimes the student data is with the LEA and not
20 the GNETS program; is that correct?

21 A Correct.

22 Q Is that part of what we're talking about
23 here, that the data might exist, just not in a
24 format that the GNETS directors can access?

25 A That's correct, because that data follows

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1 that student back to their home school.

2 Q Am I correct that earlier we discussed
3 that it's the GNETS programs that choose to adopt a
4 PBIS framework for those programs?

5 A Correct.

6 Q And the data is generally important as far
7 as PBIS implementation?

8 A It is.

9 Q Is it concerning to you that GNETS
10 directors don't have access to some of their student
11 data?

12 A I don't know what access every GNETS has
13 access to or doesn't have access to.

14 I don't remember that being a barrier for
15 me when I was in Griffin and working with our GNETS
16 program there. I don't remember that being a
17 barrier.

18 I don't remember that being a barrier.
19 But I also don't remember maybe how I would have --
20 how I pulled that, if I did.

21 Q So we see again here in this email it
22 says, "Alternative school/GNETS don't have student
23 records data, GOSA data or Appleseed Data."
24 Correct?

25 A Correct.

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1 Q And so based on this email, it's your
2 understanding that GNETS don't have access to those
3 three types of data, correct?

4 MS. JOHNSON: Object to form.

5 A Tammi authored this, so this is actually
6 her opinion.

7 Q Do you have any reason to believe what
8 Tammi was saying was inaccurate?

9 A I don't.

10 Q And do you trust Tammi's assessment here?

11 A I do.

12 Q So assuming that Tammi is correct and that
13 GNETS programs don't have access to student records
14 data, GOSA data, or Appleseed data, is it concerning
15 to you that a GNETS director implementing PBIS might
16 not have access to all of the data that general
17 education principals might have access to?

18 A They may --

19 MS. JOHNSON: Object to form.

20 A They may not have access to those three,
21 but they may also collect data internal that they
22 have access to.

23 But, again, I don't -- I just don't
24 remember how we drilled down with Lauren at
25 Mainstay. I don't remember.

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1 Q So hypothetically, if a GNETS director
2 didn't have access to IEP progress monitoring
3 information, would that be concerning to you from a
4 PBIS perspective?

5 MS. JOHNSON: Object to form.

6 A I don't -- I don't know the answer. I
7 don't have an opinion about that.

8 Q And is there a place publicly where GaDOE
9 lists all of the schools participating in PBIS?

10 A There is.

11 Q And are GNETS programs included in that?

12 A They are.

13 Q Thank you.

14 Are you generally familiar with thought
15 leaders in the PBIS discourse nationally?

16 A Yes.

17 Q And have you heard of Robert Horner?

18 A I have.

19 Q In what capacity?

20 A He's one of our thought leaders. One of
21 our national leaders, and I've heard -- again,
22 national conferences, opportunity to hear him speak
23 and present.

24 Q And that's a national thought leader on
25 PBIS?

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1 A Correct.

2 Q And have you heard of Donald Kincaid?

3 A I have.

4 Q In what capacity?

5 A Same capacity. He is one of the -- also
6 co-directors down at the University of South Florida
7 for our National TA Center.

8 Q And so he's also a national thought
9 leader?

10 A He is.

11 Q On PBIS?

12 A He is.

13 Q I've only read this name. I haven't heard
14 it, so I might be butchering it.

15 Are you aware of George Seguy?

16 A Perfect. Yes.

17 Q In what capacity?

18 A He is widely regarded as really the
19 grandfather of PBIS in the United States. He's from
20 the University of Connecticut.

21 Q And have you heard of Bob Putman?

22 A I recognize Bob's name. Not as much
23 familiarity with Bob.

24 Q And in what capacity?

25 A Same as a leader in PBIS.

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1 Q And you just said that there are public
2 places where the schools in Georgia participating in
3 PBIS are listed; is that correct?

4 A That's correct.

5 Q Where is that listed?

6 A On the Georgia Department of Education
7 website.

8 Q And how frequently is it updated?

9 A Generally, it's updated annually. The end
10 of year recognition list, they're verifying that
11 right now. I just know this because I just met with
12 Ben Moore and they're getting ready to publish this
13 past year's end of year.

14 So we try to keep that up annually.

15 Q And that's the -- by recognition list,
16 does that include the levels that they're at?

17 A That's correct.

18 Q And did that occur for the last couple of
19 years?

20 A It did not because of the pandemic.

21 Q Do you know Heather George?

22 A I know Heather.

23 Q Did you work with her?

24 A Very closely.

25 Q In what role did you work with her?

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1 A Heather was our -- so just like the State
2 has TA specialists that support the district, the
3 National TA Center has TA specialists that supports
4 the State. Heather is Georgia's TA specialist.

5 Q And what were your interactions -- excuse
6 me.

7 What were your interactions with her?

8 A What were my interactions with Heather?

9 Q Yeah.

10 A She is my TA specialist. So she would
11 come and do professional learning with us, training
12 with us. I invited her to my retreats. She was my
13 -- as a state leader, she was my go-to person.

14 So I had very frequent interaction with
15 her.

16 Q You said earlier that you previously
17 reported to Garry McGiboney; is that correct?

18 A Correct.

19 Q But you were no longer reporting to him at
20 the end of your time at GaDOE; is that correct?

21 A Correct.

22 Q Why were you no longer reporting to him?

23 A He left the agency.

24 Q Did you stop reporting to him before he
25 left the agency?

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1 A No.

2 Q And did his job change at all prior to him
3 leaving the agency?

4 A It did.

5 MS. JOHNSON: Object to form.

6 Q How did his job change?

7 A His job title changed. He went from
8 Federal Programs to School Safety and Climate.

9 Q He went from Federal Programs to School
10 Safety and Climate?

11 A That's correct.

12 Q Do you recall whether Dr. McGiboney
13 shifted away from working on school climate at any
14 point while he was working at GaDOE?

15 A Never. It was always a top priority for
16 him.

17 Q And you previously stated that
18 Dr. McGiboney was one of your mentors. Is that
19 correct?

20 A Still is, yes.

21 Q And what is your opinion of
22 Dr. McGiboney's work in the school climate area?

23 A He is one of the most influential
24 educators in our state, in our nation on improving
25 school climate.

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1 Q And did he share any information with you
2 about why he chose to leave GaDOE?

3 A No.

4 Q And did you discuss his departure with him
5 at any point?

6 A I did.

7 Q And what -- what did those conversations
8 entail?

9 A I don't remember the details. Just my
10 sadness of him leaving the Department of Education
11 and that he was going to be really missed and that I
12 hope we're able to continue the work that he started
13 there.

14 Q Did your departure -- was your departure
15 impacted at all by Mr. -- Dr. McGiboney's decision
16 to leave?

17 A No.

18 Q Was there a lot of turnover during your
19 time at GaDOE?

20 MS. JOHNSON: Object to form.

21 A In regards to which department? Or the
22 entire agency?

23 Q Or the programs within the agency that you
24 were directly connected with?

25 A As far as the stability of the PBIS and

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1 school climate, it was very stable.

2 Q At the time that you left GaDOE, did you
3 have any concerns about the State's commitment to
4 PBIS?

5 A I did.

6 Q What was it?

7 A Just wanting to ensure that the work was
8 going to continue, that there would always be a
9 focus on PBIS and that it would continue to be a
10 priority.

11 Q Was there any further basis for your
12 concern?

13 A Um, part of it was the elimination -- some
14 of the elimination of PBIS language in the work that
15 we were doing. That was concerning to me.

16 I just felt like we were getting away to
17 what we were really true to doing with PBIS, and
18 eliminating PBIS language is one of those things.
19 It's really important. It's the basis of the work
20 that we do.

21 Q Can you give me an example of the
22 elimination of PBIS language?

23 A Sure. So instead of being the office --
24 PBIS program manager, all the changes to school
25 climate and everything being about school climate

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1 instead of PBIS.

2 Q And at the time you left GaDOE, did you
3 have any concern about the State's commitment to
4 student mental health?

5 A Um, not so much. The Office of Whole
6 Child really picked up student mental health, and it
7 seemed to be thriving there and expanding there. So
8 no concerns.

9 Q And why did you leave GaDOE?

10 A I retired.

11 Q And you didn't immediately start working
12 again after that period of retirement, correct?

13 A I did take two months off.

14 Q Okay. Was there a reason why you chose to
15 retire from GaDOE?

16 A I had my 30 years in. It was time to
17 retire and start doing some different type of work.

18 Q So what previous positions that you had
19 counted towards those 30 years?

20 A Everything that we discussed today.
21 Department of Education, the work in Griffin
22 Spalding, and my work in Fayette County.

23 Q And does your work currently contribute to
24 numbers of years working for GaDOE?

25 A It doesn't.

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1 Q At the time that you left GaDOE, were
2 there any improvements related to classroom climate
3 that you believe were really needed?

4 MS. JOHNSON: Object to form.

5 A Finishing Tier III. That was a big one.

6 Q And at the time you left GaDOE, were there
7 any improvements related to student mental health
8 that you believe were needed?

9 MS. JOHNSON: Object to form.

10 A Um, no. You know, continuing the work
11 that we had kind of set forth and expanding that to
12 more schools and more districts so that more
13 students benefitted. No concerns about that. I
14 mean I felt like that's kind of the path that it's
15 on.

16 MS. CHEVRIER: I'd like the court reporter
17 to mark this as Exhibit 693.

18 (WHEREUPON, Plaintiff's Exhibit-693 was
19 marked for identification.)

20 BY MS. CHEVRIER:

21 Q This is an email thread between you, Mr.
22 Byars, and Miriam Gudenrath, dated August 6, 2020,
23 correct?

24 A Sure.

25 Q And it's Bates-stamped GA00311700.

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1 Correct?

2 A Uh-hum. Yes.

3 Q Do you recognize this email?

4 A I do.

5 Q In the last sentence of her email to you,
6 Miriam wrote: "I have really been thinking about
7 you with the whole Nicholas thing and cannot imagine
8 had mad you must be over what must have been quite a
9 shock." Correct?

10 A Correct.

11 Q And you responded: "Furious does not even
12 describe it." Correct?

13 A Correct.

14 Q To who or what Nicholas was Miriam
15 referring?

16 MS. JOHNSON: Object to form.

17 You can answer.

18 THE WITNESS: Thank you.

19 A Nicholas Handville.

20 Q And he was one of your direct reports; is
21 that right?

22 A He was.

23 Q And did what occur relate in any way to
24 your position as PBIS program manager?

25 A Um, I don't honestly remember. I mean

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1 obviously it did because Nicholas was one of the --
2 he was on my team and he was a really valuable
3 member of my team. And, and I don't remember the
4 specifics.

5 Q Do you remember what transpired to make
6 you so furious?

7 A I don't remember. It may have -- it may
8 have been -- August of 2020? I don't remember.

9 Q Have you worked with DBHDD in connection
10 with your PBIS work?

11 A I have.

12 Q In what capacity?

13 A They're a partner, especially with the
14 Project AWARE grant. Through the Project AWARE
15 grant you have to partner with other state agencies,
16 and they're one of the state agencies that we
17 partner with.

18 Q And have you worked with the U.S.
19 Department of Education in connection with your PBIS
20 work?

21 A Yes. That is -- the school climate
22 transformation grant is given by the U.S. Department
23 of Education.

24 MS. CHEVRIER: I'd like the court reporter
25 to mark this as Plaintiff's Exhibit 694.

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1 (WHEREUPON, Plaintiff's Exhibit-694 was
2 marked for identification.)

3 BY MS. CHEVRIER:

4 Q This is an email thread between you, Mr.
5 Byars, Garry McGiboney, Emily Graybill, Rebecca
6 Blanton, and Amy Banks, from June 23rd, 2020,
7 correct?

8 A Correct.

9 Q And it's Bates No. GA00310731, correct?

10 A Correct.

11 Q And is Amy Banks from the U.S. Department
12 of Education?

13 A Um, I think Amy was with the U.S.
14 Department of Education.

15 Q Okay. In her email, which was forwarded
16 to you, Amy shared that, quote: "A new School-Based
17 Mental Health Services Grant Program," quote, "was
18 going to start receiving applications."

19 Is that correct?

20 A Correct.

21 Q And then you wrote to Dr. McGiboney on
22 June 22nd, 2020: "I do not want to cause a stir but
23 I am having a hard time potentially leaving \$10
24 million in grant funds on the table during this
25 time." Correct?

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1 A Correct.

2 Q Why were you interested in applying for
3 this grant?

4 A So that we could serve more students.

5 Q And let's look at the email you sent to
6 Emily Graybill.

7 You wrote: "Seems like the decision not
8 to apply was made between Ashley, Matt Jones, Layla,
9 and Dante. That being the case it would not be wise
10 for us to come in behind and try and apply.
11 Especially if Dante and Layla are not on board."

12 A Correct.

13 Q Correct?

14 Who is the Ashley you're referring to?

15 A Ashley Harris.

16 Q And who's the Layla you're referring to.

17 A Layla Fitzgerald.

18 Q And who's the Dante you're referring to?

19 A Dante McKay.

20 Q And why did you agree with their -- why
21 did you disagree with their decision?

22 A Because I've seen the work that we can do
23 when we have those types of grants to help children,
24 and it's -- when Amy Banks reaches out to you
25 directly, that's a vote of confidence in the work

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1 that you've been doing and they want you to continue
2 that work.

3 So I just -- I disagree when we have the
4 opportunity to help children that we don't.

5 Q Overall, based on your extensive
6 experience, do you think that Georgia is -- how do
7 you think Georgia is doing with PBIS implementation?

8 A I think it's doing very well. It's one of
9 the national leaders.

10 Q And how do you think Georgia is doing
11 supporting students with mental health challenges?

12 A Again, I think we're one of the national
13 leaders.

14 Q And what about -- how do you think Georgia
15 is doing to support students with mental health
16 challenges in the GNETS programs?

17 A I don't have enough information to answer
18 that.

19 Q And if you could wave a magic wand and
20 create a better system to serve students with social
21 and emotional behavioral challenges, what would you
22 change?

23 A Access at Tier I. I would, if I could
24 we've a magic wand, every student in our state would
25 have access to those type services at Tier I.

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1 Q And anything additional?

2 A Um, I would -- I could just go right up
3 the tiers. Having enough resources and support to
4 be able to build appropriate skill groups at Tier II
5 for every child that needs it. Having that intense
6 one-on-one counseling and therapy and intervention
7 at Tier II for every student that needs it.

8 If we want to wave a magic wand, we could
9 meet the needs at all three tiers.

10 Q Did Garry McGiboney ever share with you
11 that school climate had been taken away from his
12 position at GaDOE?

13 MS. JOHNSON: Object to form.

14 A I don't remember if he shared that
15 directly with me.

16 Q Were you aware that school climate had
17 been taken away from his purview?

18 A When I changed supervisors, I was aware
19 that it was taken -- that we changed leadership.

20 Q And did that provide any concerns for you?

21 A It did.

22 Q What were those concerns?

23 A Garry's a -- Garry's the leader. He is
24 the leader in our state for that.

25 Q And so why would school climate be taken

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1 away from the leading leader?

2 MS. JOHNSON: Object to form.

3 A I have no earthly idea.

4 Q Do you agree with it being removed from
5 his purview?

6 A I disagree.

7 Q And was school-based mental health removed
8 from his purview?

9 A I don't remember at the time. I don't
10 remember the time, if that stays -- that stayed
11 housed with Garry or not. I really don't remember.

12 Q Did the change in Dr. McGiboney's
13 responsibilities affect or create concerns that you
14 had regarding GaDOE's commitment to PBIS?

15 A It did.

16 Q Do you continue to have concerns about
17 GaDOE's commitment to PBIS?

18 A Um, I do.

19 Q And what are those concerns?

20 A I'm afraid that it's not going to continue
21 to be a priority without someone like Garry leading
22 it.

23 Q And why is that concerning to you, that it
24 would stop being a priority?

25 A Why is that concerning that it would stop

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1 being a priority?

2 Q Do you have concerns that it would --
3 would it make you upset if GaDOE decided that PBIS
4 was not a priority?

5 A I would be devastated.

6 Q And why would that be devastating for you?

7 A Because it's so good for our schools and
8 it's so good for our kids. It makes a difference.
9 It changes climate, it changes culture. It does
10 what it's set out to do.

11 Q And do you have any concerns that GaDOE
12 was changing its commitment to school-based mental
13 health based on Garry McGiboney's change in
14 responsibilities?

15 A I didn't feel --

16 MS. JOHNSON: Object to form.
17 Go ahead.

18 A I didn't feel the same about the
19 school-based mental health.

20 MS. CHEVRIER: I think that's all.
21 Thank you so much.

22 THE WITNESS: Thank you.

23 MS. JOHNSON: No questions.

24 THE VIDEOGRAPHER: This concludes this
25 video deposition.

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1 The time is 6:14 p.m., and we are off the
2 record.

3 (Whereupon, the deposition concluded at
4 6:14 p.m.)
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C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of JASON BYARS was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 318 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of December, 2022.

Wanda L. Robinson

Wanda L. Robinson, CRR, CCR No. B-1973
My Commission Expires 10/11/2023

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D I S C L O S U R E

STATE OF GEORGIA) VIDEOTAPE DEPOSITION OF
FULTON COUNTY) JASON BYARS - 12/02/22
Pursuant to Article 10.B of the Rules and
Regulations of the Board of Court Reporting
of the Judicial Council of Georgia, I make the
following disclosure:

I am a Georgia certified court reporter.
I am here as a representative of Esquire Deposition
Solutions, LLC, and Esquire Deposition Solutions,
LLC was contacted by the offices of U.S. Attorney's
Office to provide court reporter services for this
deposition. Esquire Deposition Solutions, LLC will
not be taking this deposition under any contract
that is prohibited by O.C.G.A. 9-11-28 (c).

Esquire Deposition Solutions, LLC has no
contract/agreement to provide court reporter
services with any party to the case, or any counsel
in the case, or any reporter or reporting agency
from whom a referral might have been made to cover
this deposition.

Esquire Deposition Solutions, LLC will
charge the usual and customary rates to all parties
in the case, and a financial discount will not be
given to any party to this litigation.

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ERRATA SHEET FOR THE TRANSCRIPT OF:

Deponent Name: JASON BYARS

Case Caption: United States of America vs. State
of Georgia

Case No. : 1:16-cv-03088-ELR

I do hereby certify that I have read all questions propounded to me and all answers given by me on the 2nd day of December, 2022, taken before Wanda L. Robinson, and that:

_____ 1) There are no changes noted.

_____ 2) The following changes are noted:

Pursuant to state rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e), both of which read in part: Any changes in form or substance which you desire to make shall be entered upon the deposition with a statement of the reason given for making them.

Accordingly, to assist you in effecting corrections, please use the form below:

CORRECTIONS:

Page	Line	Change	Reason For Change

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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me. Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

Signature of Deponent

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this _____ day of _____, 2022, and executed the above certificate in my presence.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

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